



SHIRE OF KONDININ

MINUTES OF MEETING

KONDININ SHIRE COUNCIL

held at the Hyden Community Resource Centre on 20th August 2025

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 5.03pm.

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

Councillors:	Cr Kent Mouritz (President) Cr Paul Green	Cr Beverley Gangell Cr Murray James	Cr Darren Pool Cr Kerrie Green
Staff:	Bruce Wright (CEO) Mark Burgess (MoW)	Vince Bugna (MCS) Ellen Valenta (ESO)	Tory Young (MPA)
Apologies:	Cr Brett Smith	Cr B Browning	

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATION FOR LEAVE OF ABSENCE

6. PETITIONS/DEPUTATION/PRESENTATIONION FACILITY

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/INFORMATION REPORTS

7.1 MINUTES OF COUNCIL MEETING – 16th July 2025

RESOLUTION: #4601

Moved: Cr P Green

Seconded: Cr D Pool

That the minutes of the Council Meeting, held on the 16th July 2025 be confirmed.

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil

Absence: Cr B Browning, Cr B Smith.

7.2 INFORMATION REPORT – August 2025

RESOLUTION: #4602

Moved: Cr M James

Seconded: Cr B Gangell

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

Carried: 6/0

For:

Against:

Absence:

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil

Absence: Cr B Browning & Cr B Smith.

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

- 9.1.1 Endorsement of Support Documentation – Proposed King Rocks Wind Farm (DAP 22/02288) – Construction Management Plan, Traffic Management Plan, Bushfire Management Plan and Stormwater Management Plan
- 9.1.2 Workforce Accommodation Facility, Lot 192 Hyden-Mt Walker Road, Hyden
– Endorsement of Operational Management Plan; Emergency Management Plan and the Noise Impact Assessment.
- 9.1.3 Consideration of Supporting Documentation – Proposed King Rocks Wind Farm (DAP 22/02288) – Noise Management and Monitoring Plan; Detailed Development Design; Electromagnetic Interference
- 9.1.4 Proposal to support Closure of section of Public Road to incorporate Into Freehold Lot 2425 on DP 169236
- 9.1.5 Proposal to close public road – section of King Rocks Road, North, Hyden
- 9.1.7 Proposed Subdivision Plan – Kondinin Industrial Area

9.2 MANAGER OF CORPORATE SERVICES

- 9.2.1 List of Accounts – July 2025
- 9.2.2 Financial Reports – June 2025
- 9.2.3 Budget Adoption 2025-2026

9.3 MANAGER OF WORKS

- 9.3.1 General Report

9.4 CHIEF EXECUTIVE OFFICER

- 9.4.1 Policy Manual Review 2025

9.5 CONFIDENTIAL ITEMS

- 9.1.6 Tender 02/2025-2026 – Swimming Pool Management Services – Hyden Aquatic Centre

9.6 COMMITTEE ITEMS

Nil

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 ENDORSEMENT OF SUPPORTING DOCUMENTATION – PROPOSED KING ROCKS WIND FARM (DAP 22/02288) – CONSTRUCTION MANAGEMENT PLAN, TRAFFIC MANAGEMENT PLAN, BUSHFIRE MANAGEMENT PLAN AND STORMWATER MANAGEMENT PLAN

Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	Chief Executive Officer
Date:	8 th August 2025
Disclosure of Interest:	Nil
Attachments:	Construction Management Plan (includes Bushfire Management Plan and Stormwater Management Plan); Traffic Management Plan

RESOLUTION: #4603

Moved: Cr B Gangell

Seconded: Cr P Green

That Council:

1. **ENDORSES** the Construction Management Plan (CMP) dated 5 August 2025 as attached in support of Condition 4 / Advice Note 3 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 15 November 2022 for use not listed described as 'Wind Farm' on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite and **SUPPORTS** any further minor amendments being made to be undertaken and approved by the Chief Executive Officer under delegation from Council;
2. **ENDORSES** the Traffic Management Plan (TMP) dated 5 August 2025 as attached in support of Condition 6 / Advice Note 5 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on the 15 November 2022 for a use not listed described as 'Wind Farm', on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite and **SUPPORTS** any further minor amendments being made to be undertaken and approved by the Chief Executive Officer under delegation from Council;
3. **ENDORSES** the Bushfire Management Plan as included in sections 3.1, 3.41, 3.5 and 3.11 of the Construction Management Plan dated 5 August 2025 in support of Condition 10 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 15 November 2022 for use not listed described as 'Wind Farm' on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite and **SUPPORTS** any further minor amendments being made to be undertaken and approved by the Chief Executive Officer under delegation from Council;
4. **ENDORSES** the Stormwater Management Plan as included in section 3.2 of the Construction Management Plan dated 5 August 2025 in support of Condition 11 / Advice Note 12 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 15 November 2022 for use not listed described as 'Wind Farm' on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite and **SUPPORTS** any minor amendments being made to be undertaken and approved by the Chief Executive Officer in liaison with the Department of Water and Environmental Regulation under delegation from Council.

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil

Absence: Cr B Browning & Cr B Smith.

Summary

This report is for Council to endorse as amended the Construction Management Plan (CMP) and the Traffic Management Plan (TMP) in support of the conditions of development application that was approved by the Mid-West/Wheatbelt JDAP at its meeting on 12 November 2022 for a use not listed described as a 'Wind Farm' on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite. This report is also for Council to endorse the Bushfire Management Plan and the Stormwater Management Plan which have been incorporated into the Construction Management Plan.

Background

The Mid-West/Wheatbelt JDAP at its meeting held on the 15 November 2022 provided conditional support for a use not listed described as a 'Wind Farm' on 2 freehold agricultural lots located approximately 35km north-east of the Hyden Town Site.

The approval was granted with a series of conditions requiring local government approval to be addressed by the Applicant. This Agenda Report relates to Condition 4 / Advice Note 3 (Construction Management Plan); Condition 6 / Advice Note 5 (Traffic Management Plan); Condition 10 (Bushfire Management Plan) and Condition 11 / Advice Note 12 (Storm Water Management Plan).

Council at its Ordinary Meeting held on the 21 May 2025 considered this matter and resolved as follows:

'That Council:

1. **ENDORSES** the Construction Management Plan (CMP) as attached in support of Condition 4 / Advice Note 3 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 15 November 2022 for use not listed described as 'Wind Farm' on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite, subject to the document being amended / clarification provided on matters relating to waste, water, bushfire management and editorial considerations as summarized in body of the Agenda Report and re-submitted to the Local Government for final endorsement;
2. **ENDORSES** the Traffic Management Plan (TMP) as attached in support of Condition 6 / Advice Note 5 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on the 15 November 2022 for a use not listed described as 'Wind Farm', on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite, subject to the document being amended / clarification provided as summarized in the body of the Agenda Report and resubmitted to the Local Government for final endorsement.'

Amended documents were prepared by the proponents, Synergy, and the matter was presented back to Council to its Ordinary Meeting held on the 25 June 2025. On review of the amended plans, Council was of the view that to formally endorse the two documents further amendments were required and therefore resolved as follows:

‘That this Item be laid on the table until a satisfactory amended Construction Management Plan and Traffic Management Plan has been received.’

The proponents have since amended the Plans further as attached to this Agenda Report. A summary of the changes provided by the Proponents is outlined below with corresponding comments in italics from the Shire's Reporting Officer.

Traffic Management Plan

Item No.	Shire TMP Comment Letter dated 30 June 2025	Amendment / Comment
TMP-001	Incorporation of regular start up meetings that reiterate matters relating to road safety, school buses, harvest periods etc.	Updated in Section 8.2 <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>
TMP-002	Correct spelling of the roads listed in the document.	Corrected Lovering Road in Figure 5-1 title in Section 5.4.2. Also, have changed the abbreviation of Rd to Road. Also corrected spelling on PDF pp. 38,42,44,80,83,84,85,86,89,91. <i>Shire Officer Comment: Confirm amendment made and issued addressed.</i>
TMP-003	Section 9.4.1 – the Traffic Management Plan should be reviewed at least monthly, and the Shire must (not may) be consulted.	Has been updated as “As such, it is recommended that the TMP is reviewed one month after construction has commenced and then monthly through the construction phase to ensure that the TMP is still relevant. Consultation is required with the Shire of Kondinin and/or other parties to ensure the latest information from stakeholders is reflected in the TMP” <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>
TMP-004	Section 8.2 – this still references speed limits on local roads.	Revised to remove any references to the local roads. <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>
TMP-005	Section 8.3 – greater clarity that the prescribed truck routes only apply to vehicles related to the King Rocks Wind Farm project.	Updated the document by adding the above sentence for clarity purpose. <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>
TMP-006	Section 8.5 – greater detail required on the dilapidation reports. These need to be done at least monthly and in liaison	Statement added in section 8.5 on PDF page 30 <i>Officer Comment: Confirm amendment made and issue addressed.</i>

	with the Shire's Works Manager	
TMP – 007	Section 8.7 – greater detail required on how this will be implemented with corresponding reporting mechanisms.	Statement added in section 8.7 on pdf page 31 <i>Officer Comment: Confirm amendment made and issue addressed.</i>
TMP – 008	Section 9.1.1 – greater detail required on how this will be implemented with corresponding reporting mechanisms	Added in 9.1.1. on pdf page 31 <i>Officer Comment: Confirm amendment made and issue addressed.</i>
TMP – 009	Section 9.4.2 – road safety audits need to be undertaken on a regular basis with corresponding reporting mechanisms	Added in 9.4.2 on pdf page 33 <i>Officer Comment: Confirm amendment made and issue addressed.</i>

Construction Management Plan

Item No.	Shire CMP Comment Letter dated 30 June 2025	Amendment / Comment
CMP-001	Section 2.3.1 – reword sentence as follows: Rehabilitation of disturbed areas outside the permanent roads & hardstands as close as possible to their original state.	Amended in Management Plan <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>
CMP-002	Interface of turbines and existing residential properties. Clarification if Near Neighbourhood Agreements have been established for adjacent residents.	All near neighbours to the Wind Farm have been approached and those willing have entered into negotiations for a neighbour agreement. New section 3.10.1 & 3.10.2 added on pdf pages 43, 44 & 45. <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>
CMP – 003	Evidence of direct consultation made with all landowners in the vicinity of the development and those along the main traffic route to the wind farm development site	New section 3.10.1 & 3.10.2 added on pdf pages 43, 44 & 45. <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>
CMP-004	Section 2.3.4 – reword sentence as follows: Sunday & public holidays – The following works may occur during these days, <u>subject to Council approval.</u>	Amended in Management Plan. <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>

CMP-005	Section 3.4.2.4 (table 4) – waste reporting table. Clarification on why have not included a third party for reporting (i.e. currently Vestas reporting to Synergy).	CMP states “Vestas will provide this information to Synergy for the King Rocks Wind Farm (KRWf) project, where possible monthly and quarterly, where the data cannot be provided monthly.” This can be provided by Synergy to a third party upon request. Statement added at the end of section 3.4.2.4 after the end of pdf page 30. <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>
CMP-006	Section 3.6.2 – longer term weed surveys (at least 2 years post disturbance) to accurately monitor impact.	“Post Construction weed survey will be conducted within the Project boundary, after Contractor’s Practical Completion” included in this section Two dot points after post construction weed survey added on pdf page 36 to stipulate surveys to be undertaken 1 and 2 years after construction. <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>
CMP-007	Section 3.10 – greater detail to be provided in this section with respect to the impact of the project on near-neighbours and the broader community.	This has not been included due to being a developer responsibility outside of the construction management works All near neighbours to the Wind Farm have been approached and those willing have entered into negotiations for a neighbour agreement. Notwithstanding this, statement has been added on pdf page 42 and two new sections 3.10.1 and 3.10.2 on pdf pages 43,44 & 45. <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>
CMP-008	Section 3.11 – concern over the wording of the last dot point under ‘self-deployment of project resources.’ This should either be removed or liability protection provided to local Fire Control Officers to attend site in event of	Last wording in this section “Persons or contractors who act on their own volition without project approval could be held liable for any damage or injury as a result of their actions.” Has been removed. <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>

	bushfire without waiting for approvals.	
CMP-009	Section 3.11 – information on communication of fire danger ratings cannot just rely on information from BOM. More localized information on weather will be required.	BOM is a national weather, climate and water information agency which includes forecasts, warnings & monitoring. Further information can be found on the website emergency.wa.gov.au which is also referenced in the document and provided information on warnings & incidents. Synergy construction management will also obtain local advice regarding any weather warnings. <i>Shire Officer Comment: Noted. No further comments required.</i>
CMP-010	Section 3.11 – recommend inclusion that all vehicles and machinery have a 9-litre fire extinguisher (not just machines) and considering the size of the project area, recommended that 1000 litre fast fire attack units shall be in the vicinity of the works being undertaken.	The section has included the recommendation in this section to capture the above. <i>Shire Officer Comment: Confirm amendment made and issue addressed.</i>
CMP-011	Section 3.11 – further detail required on new tier 4 and 5 engine emissions abatement.	The vehicles will only be accessing the access tracks and will not be parked within Bush Fire prone areas. Also, there are references within Vegetation management in Pg 46 on the trafficable areas and highlighted within in Fire Safety bans section in Pg 44 of the CMP. <i>Shire Officer Comment: Noted. No further comments required.</i>

As above, the Shire's Administration have reviewed the Construction Management Plan (CMP) as amended dated 5 August 2025 and the Traffic Management Plan (TMP) as amended dated 5 August 2025 respectively to assess if they meet with the Conditions and Advice Notes of the JDAP development approval and address the matters raised at the 25 June 2025 Ordinary Meeting of Council. It is considered that the matters have been addressed as documented above and any further minor changes can be approved by the Chief Executive Officer under delegation from Council.

At an officer level, the Shire's Administration recommend that the following section of the CMP be amended prior to the endorsement of the Construction Management Plan:

Section of CMP	Officer Comment
3.11 Bush Fire Risk Management	In the table on page 49 and 50 of the CMP relating to total fire bans the site activities listed below are noted as NOT PERMITTED in a total fire ban. The officer is supportive of this, however not that in 'essential situations' that the site activities can still be taken. It is recommended this table of the document should read that simply the following site activities listed are NOT PERMITTED on days of total fire bans under any circumstances. • BBQs that are not prepared by commercial catering • Driving or operating machinery over or near dry vegetation • Using equipment that generates heat, sparks, or flame • Use of chainsaws to trim or fell trees and other tasks

Bushfire Management Plan and Stormwater Management Plan

These two plans were included as separate conditions of development approval as Condition 10 (Bushfire Management Plan) and Condition 11 / Advice Note 12 (Storm Water Management Plan, approved by the Mid-West/Wheatbelt JDAP at its meeting on 12 November 2022 for a use not listed described as a 'Wind Farm' on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite. The Reporting Officer is satisfied that information addressing these two conditions is adequately provided within the relevant sections of the Construction Management Plan and the Proponents do not need to submit these as standalone documents.

Statutory Environment

Planning and Development Act 2005

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

"CIVIC LEADERSHIP

2.1 Support the diverse industry across the Shire

ECONOMY

2.1 Support the diverse industry across the Shire

Voting Requirement

Simple majority

**9.1.2 WORKFORCE ACCOMMODATION FACILITY, LOT 192 HYDEN-MT WALKER ROAD,
HYDEN – ENDORSEMENT OF OPERATIONAL MANAGEMENT PLAN;
EMERGENCY MANAGEMENT PLAN AND THE NOISE IMPACT ASSESSMENT**

Author: Tory Young, Manager Planning and Assets
Authorising Officer: Chief Executive Officer
Date: 14th August 2025
Disclosure of Interest: Nil
Attachments: Operational Management Plan; Emergency Management Plan and Noise Impact Assessment

RESOLUTION: #4604

Moved: Cr D Pool

Seconded: Cr P Green

That Council:

1. **ENDORSES** the Operational Management Plan dated 11 August 2025 as attached in support of Condition 6 / Advice Note 5 of development approval issued by Council at its Ordinary Meeting on the 12 February Workforce Accommodation on Lot 192 Hyden – Mt Walker Road, Hyden and **SUPPORTS** any further minor amendments being made to be undertaken and approved by the Chief Executive Officer under delegation from Council;
2. **ENDORSES** the Emergency Management Plan included as Appendix 1 to the Operational Management Plan dated 11 August 2025 in support of Condition 9 development approval issued by Council at its Ordinary Meeting on the 12 February Workforce Accommodation on Lot 192 Hyden – Mt Walker Road, Hyden and **SUPPORTS** any further minor amendments being made to be undertaken and approved by the Chief Executive Officer under delegation from Council; and
3. **ENDORSES** the Environmental Noise Impact Assessment dated 24th July 2025 as attached in support of Condition 13 development approval issued by Council at its Ordinary Meeting on the 12 February Workforce Accommodation on Lot 192 Hyden – Mt Walker Road, Hyden and **SUPPORTS** any further amendments being made to address feedback from the Department of Water and Environmental Regulation (DWER) to be undertaken and approved by the Chief Executive Officer under delegation from Council.

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil

Absence: Cr B Browning & Cr B Smith.

Summary

This report is for Council to endorse the Operational Management Plan, the Emergency Management Plan and the Noise Impact Assessment in support of the conditions of development application that was approved by Council its meeting on 12 February 2025 for Workers Accommodation on Lot 192 Hyden – Mt Walker Road, Hyden.

The Council at its Ordinary Meeting held on the 12 February 2025 provided conditional support for Workers Accommodation on Lot 192 Hyden – Mt Walker Road, Hyden.

Background

On the 12 February 2025, the Council at its Ordinary Meeting granted conditional Development Approval for Workers Accommodation on Lot 192 Hyden – Mt Walker Road, Hyden.

The Proponents have been working through the conditions of development approval as the project progresses, with the Construction Management Plan and relevant building permits and associated relevant regulatory documentation required to commence construction submitted and approved by the Local Government.

With construction set to be completed in the coming months, the proponent is presenting some of the final documents required under the development approval.

This Agenda Report relates to Condition 6/Advice Note 5 (Operational Management Plan), Condition 9 (Emergency Management Plan) and Condition 12 (Noise Impact Statement).

On endorsement of these documents, the outstanding matters remaining to be addressed as part of the development approval include Condition 8 relating to requirements under the *Food Act 2008 (WA)* and Advice Note 10 relating to a lodging house application pursuant to the *Health (Miscellaneous Provisions) Act 1911* and the Shire's Health Local Laws 2016.

Operational Management Plan

In relation to the Operational Management Plan, the following information was required to be included in the documentation submitted to Council.

- Waste disposal;
- Traffic management;
- Storm water management;
- Fuel storage, handling and spill response;
- Weed and pest management (biosecurity);
- Flora and fauna protection / management;
- Water management and water security;
- The management of bushfire risk on the site during the operational period and responses to fire and emergency services
- Integration of the broad-hectare farming activities on-site with all proposed operations during the operational period;
- Measures to ensure the use of buildings, works, accessways and materials on site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light;
- Public health considerations (i.e. where relevant air quality, water quality, land and hazard management, workforce and communities); and
- Information on procurement of goods for the facility with a preference to support local businesses.

Officer Comment:

The matters above have been adequately addressed, and some minor points of clarification were provided to Synergy and the document amended accordingly.

Operations and Emergency Management and Recovery Plan

In relation to Emergency Management, this document was to clearly outline how matters relating mitigating and addressing responses to an emergency are to be managed.

Officer Comment:

The plan largely addresses what is expected considerations in Emergency Management some minor points of clarification were provided to Synergy and the document amended accordingly.

Noise Impact Statement

In relation to the Noise Impact Assessment this was to be prepared and submitted to the Local Government prior to operations commencing on the site clearly illustrating that noise emissions resulting from development / use of the premises for the approved use do not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997* and suitable mitigation measures if required ensuring that any noise emissions shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier or any other premises in the locality.

Officer Comment:

The document was referred to the Department of Water and Environmental Management (DWER) who advised that additional detail was needed to properly assess the noise generated from the development and how this is to be managed. The document was sent back to Synergy to address the feedback provided by DWER and list of responses prepared as summarized in the table below. Synergy was advised by their third-party noise consultant that the feedback from DWER did not warrant amendments to be made to the Noise Assessment document itself. The Shire's Reporting Officer is satisfied that the additional information provided below is suffice in addressing the queries from DWER and recommends to Council that the Noise Impact Statement be endorsed.

DWER Query / Comment	Synergy Response
Camp operations and people movements (page4 2.0) There are elements which are not considered here. Is the construction of the wind farm during daylight hours only or 24/7? This would have implications for how the camp may be used as well as vehicles coming and going at all hours of the day. It is not identified how the workers will commute to the WF construction site; will buses be used?	For understanding - Workforce shifts are typically day shifts. Where night/afterhours works maybe required for wind farm construction, vehicle movements will be intermittent. All vehicles will reverse park; however, beacons and reversing alarms will only be used on the construction site and not within village carparks or residential areas. Shift crews will generally use light vehicles, not buses. Noise Assessment Consultant Response - Movements are expected to be intermittent and fall under the LA1 parameter, which allows for higher noise levels than the L10 constant noise parameter. Given the lower noise profile compared to gensets, these movements are not considered to pose a significant impact and are not needed to be included.
Other potential sources query (page4 2.0) Note, it only considers the mechanical services. Other potential sources of noise may not have been considered.	Noise Assessment Consultant Response - As noted above, vehicle movements are intermittent and of lower intensity than constant sources such as gensets. These are not expected to materially affect the noise assessment.

Mechanical Plant (page7 4.0) There really is minimal detail about what the inputs to the noise model were. The sound power level for the gen set can be deduced from the content in Appendix C, however no clear sound power levels can be deduced from the rest because model types are not specified (the AC units), the heat pumps include no noise details, and the extractor units are vague and appear to be dependent on fan speed. Other noise sources such as cool room motor noise (and there may be multiples of to cover the cool room and freezer room as well as the wet mess), as well as noise associated with the wet mess (music?) as well as the loading bay.	Noise Assessment Consultant Response - The inputs are all of the mechanical services listed in Appendix C, and as can be seen from the comment below, the gensets are the most significant noise source
Results (page7 6.0) This is quite conservative, but appropriate given it appears the gensets are the dominant noise source.	Noise Assessment Consultant Response Agreed – the gensets are the most significant noise source and the main driver of noise impacts associated with the camp.
Night noise level comment (page8 7.0) However, I imagine the townsite of Hyden could be really very quiet, therefore any noise may be quite noticeable - and despite the modelling indicating compliance - complaints could still be received. If the gensets are expected to be the most significant noise source, treatment options to reduce the impact could include locating them on the northern side of the camp (increases distance to the receivers as well as uses the camp	For understanding - Gensets will remain in their current location. Noise Assessment Consultant Response - The calculated Noise Level is 28 dB(A), with the 33 dB(A) being with a tonality adjustment (which may or may not be applicable). Audibility at this level (28 dB(A)) is unlikely and will depend on wind direction. The assessment considers the worst-case scenario (wind from camp to town), and at the calculated levels, complaints are considered highly unlikely.

buildings as a barrier), or construct suitable acoustic barriers on the southern side of the gensets (such as a suitable earth bund or some other suitable construction).	
Drawing reference (page11 Appendix A sheet 2) The image resolution is not great, especially when you try to zoom in to check out the small details. Additionally, there is no key to identify what all the buildings are (e.g. G, H, I, D, M, N etc)	The drawing KRAC-G-0001-004_6 is referenced as attached. <i>Shire Officer Comment – there is still no key in the document</i>
Loading dock comment (page11 Appendix A sheet 2) Note the loading dock. There does not appear to be consideration for delivery vehicle noise (e.g. chiller units) or reverse alarms. Herring Storer Acoustics are likely to argue vehemently that reverse alarms are exempt as they are required under WHS legislation, however this is untrue. A possible way forward is to require broad band reverse alarms only.	Noise Assessment Consultant Response - Loading dock noise is expected to be intermittent and of short duration, falling under a different parameter. These activities are likely to occur during the day period – or assumedly could be limited to the day period only - where noise impacts would be well below the day period assigned noise level.
Noise Contour Plots (page13 Appendix B) Is this based on day time or night time conditions? It is also hard to discern what is being shown here. It appears to include an unknown number of gensets (appendix A seems to suggest there are 3 of them) and maybe a smattering of AC's and hot water units	Noise Assessment Consultant Response - The noise contour plots is for the night period, maximum propagation conditions, and with all mechanical plant operating.

Mechanical Services Noise Data (page14 Appendix C) It would have been much more helpful to detail the salient sound power level details in Section 4.0 rather than have the details scattered through Appendix C.	Noise Assessment Consultant Response - All data is in Appendix C, noting that gensets are the most significant at the distance from the nearest receiver, inclusion within the report of such a table is superfluous.
Mechanical Services Noise Data (page15 Appendix C) Ok, standard soundproofing (page17 Appendix C) But this says, soundproofed version, yet it appears to be the same model. It is not very clear what this means	Noise Assessment Consultant Response - Highest noise levels (i.e. maximum operating conditions) have been utilised for the assessment
Mechanical Services Noise Data (page21 Appendix C) The dB appears to be relative to the RPM. It is also unclear if this is an internal or external level	Noise Assessment Consultant Response - Highest noise levels have been utilised, however, as noted above, it is superfluous to the assessment as the gensets are the most significant noise source, as has been noted.
Mechanical Services Noise Data (page24 Appendix C) What is this? There is no dB level. Presumably it was this that was used as an input into the modelling, but it is a little unclear.	Noise Assessment Consultant Response - Noisiest model assumed
Mechanical Services Noise Data (page34 Appendix C) Which model was used? (page35 Appendix C) Which model was used?	Noise Assessment Consultant Response - Noisiest model assumed

Mechanical Services Noise Data (page 36 Appendix C) No noise data is provided anywhere in this document. In my experience, with these sorts of heat pumps - noise seems to be of limited consideration.	Noise Assessment Consultant Response - Agreed – limited consideration required.
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Statutory Environment

State Legislation

- *Shire of Kondinin Town Planning Scheme No. 1*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development Act 2005 (as amended)*
- *Environmental Protection Act 1986*
- *Environmental Protection (Noise) Regulations 1997*
- *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*
- *Food Act 2008*
- *Food Regulations 2009*
- *Health (Miscellaneous Provisions) Act 1911*
- *Government Sewerage Policy 2019*
- *WAPC Position Statement – Workforce Accommodation 2018*
- *State Planning Strategy 2050*
- *State Planning Policy 2.5 – Rural Planning*
- *State Planning Policy 3.7 – Planning in Bushfire Areas*
- *Building Act 2011*

Federal Legislation

- Australian/New Zealand Standards AS3500
- National Construction Codes

Local Policy Implications

Health Local Law 2016

Community Consultation

Nil

Financial Implications

Nil

Strategic Implications

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

"2. ECONOMY"

2.1 Support the diverse industry across the Shire

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

Voting Requirement

Simple majority

9.1.3 CONSIDERATION OF SUPPORTING DOCUMENTATION – PROPOSED KING ROCKS WIND FARM (DAP 22/02288) – NOISE MANAGEMENT AND MONITORING PLAN; DETAILED DEVELOPMENT DESIGN; ELECTROMAGNETIC INTERFERENCE

Author: Tory Young, Manager Planning and Assets
 Authorising Officer: Chief Executive Officer
 Date: 14th August 2025
 Disclosure of Interest: Nil
 Attachments: Development Plans; Noise Management and Monitoring Plan; Carnaby Cockatoo Study; Electromagnetic Interference Report; Detailed Design Summary Table, Aviation Impact Assessment

RESOLUTION: #4605

Moved: Cr B Gangell

Seconded: Cr P Green

That Council:

1. **RECEIVES** the Site Management Plan and other associated plans as attached to recognise partial completion in addressing Condition 3 / Advice Note 2 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 15 November 2022 for use not listed described as ‘Wind Farm’:
2. **NOTES** that further detailed plans will be presented to Council in support of addressing Condition 3 / Advice Note 2 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 15 November 2022 for use not listed described as ‘Wind Farm’ once completed as summarized in the table attached:
3. **RECEIVES** the Carnaby’s Cockatoo Calyptorhynchus Latirostris in the King Rocks Region WA Report as attached in support of partially addressing Advice Note 2 (C) Condition 3 / Advice Note 2 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 15 November 2022 for use not listed described as ‘Wind Farm’:
4. **RECEIVES** the Electromagnetic Interference Report as partial support for Advice Note 17 of the development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 15 November 2022 for use not listed described as ‘Wind Farm’ and **REQUESTS** that further information on Electromagnetic Interference is presented to the Local Government, including pre and post construction surveys and impacts on telecommunication and GPS as it relates to agricultural operations once the final design and layout of the development is completed:
5. **RECEIVES** the Aviation Impact Statement dated September 2024 as attached as partial support for Condition 12 and **AUTHORISES** the Chief Executive Officer to review the document on receipt of the final design and layout of the wind turbines in liaison with Civil Aviation Safety Authority and/or Air Services Australia before being endorsed by the Chief Executive Officer under delegation from Council:
6. **SUPPORT** in principle the Noise Management and Monitoring Plan dated 25 June 2025 as attached in partial support of Condition 8 / Advice Note 10 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on the 15 November 2022 for a use not listed described as ‘Wind Farm’ and **REQUESTS** that prior to the final design and layout of the development being submitted to the Local Government the Proponent provides a Noise Compliance Test that references the *WA Environmental Protection (Noise) Regulations 1997* methodologies and include procedures for identifying and assessing modulation, tonal components and impulses.

7. **REQUESTS** the Chief Executive Officer be authorised to undertake further enquiries to clarify with relevant agencies, the commencement of mobilisation. The Chief Executive Officer will notify all relevant parties once a decision is made.

Carried: 5/1

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, & Cr M James.

Against: Cr K Green.

Absent: Cr B Browning & Cr B Smith.

Summary

This report is for Council to consider the documents attached to this Agenda Report as they relate to various conditions of the development application that was approved by the Mid-West/Wheatbelt JDAP at its meeting on 12 November 2022 for a use not listed described as a 'Wind Farm' on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite.

Background

The Mid-West/Wheatbelt JDAP at its meeting held on the 15 November 2022 provided conditional support for a use not listed described as a 'Wind Farm' on 2 freehold agricultural lots located approximately 35km north-east of the Hyden Town Site.

The approval was granted with a series of conditions requiring local government approval to be addressed by the Applicant. This Agenda Report relates to Condition 3 / Advice Note 2 (Detailed Plans), Condition 8 / Advice Note 10 (Noise Management and Monitoring Plan) and Advice Note 17 (Electromagnetic Interference).

DEVELOPMENT PLANS

Condition 3

Pursuant to Schedule 2, clause 74 of the Planning and Development (Local Planning Schemes) Regulations 2015, further detailed plans for the proposed development shall be submitted to the Local Government.

Advice Note 2

In relation to addressing Schedule 2, clause 74 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as conditioned above, the following detailed plans are required and shall include the following information:

a) A site development plan, drawn to scale, showing contours, natural environmental features, including all vegetation, revegetation, waterways/creek lines, and the final layout, orientation and siting arrangements of all wind turbines and hardstand infrastructure, including setback distances between wind turbines and vegetation, setback distances between wind turbines and all sensitive uses on the subject land and immediately adjoining properties, temporary and permanent wind monitoring towers, all buildings and amenities, site access and egress points to public roads, internal access roads, vehicle parking areas, underground and above ground power and transmission cables, overhead power lines, fencing, laydown and stockpile areas, construction compounds, temporary concrete batching plant and storage facilities, energy storage structures, sub-stations, power conversion stations, and any public access opportunities;

b) Small-scale plans and cross-sections, drawn to scale, showing the dimensions, height, building materials, elevations and colours of the proposed wind turbines, permanent wind monitoring towers, permanent buildings and amenities;

c) Demonstrated suitable setbacks between the wind turbines and remnant vegetation to mitigate any potential risks to known fauna within the locality.

d) Specify the final location and specifications of the wind turbines, to a maximum of 30 turbines and turbines setback no less than 1.8 kilometres to the nearest sensitive receptor.

Officer Comment

The condition of development approval issued via the JDAP at its meeting on 15 November 2022 for use not listed described as 'Wind Farm, was to only receive the detailed plans for the development, and therefore the Council are not required to endorse/approve the plans submitted. Notwithstanding this, the officer considered it important to report to Council for information and provide an update on the status of the proponent addressing this condition.

The proponent advised in writing dated 15th July 2025 the approach proposed to address this condition as follows:

1. *30% design prior to mobilisation: the package to include the overall site layout plan outlining the access tracks, contours, hardstands, siting arrangement of the WTG, temporary structures, environmental features i.e. proposed vegetation clearing etc) and small-scale plans outlining typical drawings.*
2. *80% designs (i.e. detailed designs) post mobilisation: The 80% will provide greater detail and include elevations, cross-sections and outline drainage design.*
3. *100% designs (i.e. IFC): Following 80% designs, final layout, building materials etc will be provided.*

The Shire Administration have agreed upon the way forward detailed above, on the provision that the Construction Management Plan is to be endorsed by Council prior to any works commencing. The plans submitted as attached to this Agenda Report and associated table are intended to address dot point 1 above and have been done so adequately, however acknowledge that more detailed plans are to be submitted to satisfy Advice Note 2.

NOISE MANAGEMENT AND MONITORING PLAN

Condition 8

Prior to construction commencing on-site, a Noise Management and Monitoring Plan shall be submitted to the Local Government (upon advice from the Department of Water and Environmental Regulation) for approval. Once approved the Noise Management and Monitoring Plan shall be implemented at all times to the satisfaction of the Local Government.

Advice Note 10

In relation to the Noise Management and Monitoring Plan, the Proponent is responsible to ensure that the Noise Management and Monitoring Plan is lodged with the Department of Water and Environmental Regulation and the Local Government for review. The Noise Management and Monitoring Plan shall set out in detail the management commitments applicable to noise minimisation relevant to all installations, activities and processes, based on sound level measurements of plant, both individually and in combination. The Noise Management and Monitoring Plan shall take proper account of tonal components, amplitude or frequency modulations or impulses, and the Noise Management and Monitoring Plan shall

demonstrate that noise emissions will achieve compliance with the requirements of the South Australian guidelines *Environmental Protection Authority – Wind Farms Environmental Noise* and the *Environmental Protection (Noise) Regulations 1997*. Once approved, the Proponent from time-to-time as directed by the Local Government is responsible to ensure that all installations, activities and processes carried out at all times and in all respects are in accordance with the Noise Management and Monitoring Plan. The Proponent is to implement and maintain reporting mechanisms and monitoring for noise complaints throughout the duration of the operation of the development. In event of a substantiated complaint being received the Proponent is required to demonstrate mitigation responses to the requirements of the Department of Water and Environmental Regulation and the Local Government. Such responses will be treated as required modifications to the Noise Management Plan.

Officer Comment

The Reporting Officer sought feedback from the Department of Water and Environmental Regulation and the Shire's Environmental Health Officer for their expert advice on the document. The feedback received indicated that the document was compromised due to the difficulties in undertaking an assessment based on both the South Australian Guidelines *Environmental Protection Authority – Wind Farms Environmental Noise* and the Western Australian *Environmental Protection (Noise) Regulations 1997*. The Reporting Officer notes that the Western Australian Planning Commission's Position Statement on Renewable Energy Facilities recommends that both documents are used in the assessment of renewable energy facilities, hence both were included in the condition of development approval.

Of note, Advice Note 10 requires that "*The Noise Management and Monitoring Plan shall take proper account of tonal components, amplitude or frequency modulations or impulses*" but the Noise Compliance Test in Appendix B of the Noise Management and Monitoring Plan does not mention 'modulation' at all. To enable construction to commence, it is the Reporting Officer's recommendation for Council to endorse the Noise Management Plan on the proviso that prior to the final design plans being submitted to the Local Government, the proponent shall submit a Noise Compliance Test that references the *WA Environmental Protection (Noise) Regulations 1997* methodologies and include procedures for identifying and assessing modulation, tonal components and impulses. This will then enable any noise complaints to be addressed in accordance with the relevant Western Australia legislation.

ELECTROMAGNETIC INTERFERENCE

Advice Note 17

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

Synergy have advised the Shire's Administration that they engaged a consultant to assess this. They have advised that no TV, FM or AM will be impacted by the wind farm, as outlined in an attachment to this Agenda Item. On that basis, Synergy have advised they do not propose to undertake pre- and post-construction monitoring at nearby residences.

Officer Comment

The Reporting Officer considers that this does not adequately address the Advice Note, particularly given that the final detailed plans have not been completed. Moreover, it is considered that other matters of Electromagnetic Interference are considered, such as telecommunication and GPS used for agricultural machinery, rather than just television and radio.

AVIATION IMPACT STATEMENT

Condition 12

On confirmation of the final layout and design of the Wind Turbines the Aviation Impact Assessment prepared by Aviation Projects accompanying this development application shall be updated and submitted to the Local Government for approval on advice from Civil Aviation Safety Authority and/or Air Services Australia as necessary.

Officer Comment

Reporting Officer to obtain further information from the relevant agencies before endorsement of this Assessment.

Statutory Environment

Planning and Development Act 2005

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

“CIVIC LEADERSHIP

2.1 Support the diverse industry across the Shire

ECONOMY

2.1 Support the diverse industry across the Shire

Voting Requirement

Simple majority

9.1.4 PROPOSAL TO SUPPORT CLOSURE OF SECTION OF PUBLIC ROAD TO INCORPORATE INTO FREEHOLD LOT 2425 ON DP 169236

Applicant: N/A
Author: Tory Young, Manager Planning and Assets
Authorising Officer: Mark Hook, Acting Chief Executive Officer
Date: 13th August 2025
Disclosure of Interest: Nil
Attachments: Aerial Tenure Map; Written Submission

RESOLUTION: #4606

Moved: Cr P Green

Seconded: Cr B Gangell

That Council:

1. **SUPPORTS** a request to be made to the Minister pursuant to section 58 (1) under the *Land Administration Act 1997* to close the section of local road reserve (Land ID 3662697) that runs along the southern and eastern boundary of Lot 2425 on DP 169236 Walton Road, Karlgarin to amalgamate with the adjoining land as outlined in the map attached:
2. **ADVISES** the Minister that the Shire of Kondinin has complied with section 58 (2) of the *Land Administration Act 1997* by publishing the proposed closure of the local road reserve (Land ID 3662697) that runs along the southern and eastern boundary of Lot 2425 on DP 169236 Walton Road, Karlgarin by way of notice in the local district on the 27 June 2025 and 2 July 2025 and individual letters sent to surrounding land owners on 27 June 2025: and
3. **RECEIVES** the formal written submission attached made during the advertising period taken in accordance with section 58 (2) of the *Land Administration Act 1997* and **ADVISES** the Minister that this should be considered in the decision to close the public reserve (Land ID 3662697).

Lost 6/0

For: Nil.

Against: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & K Green.

Absent: Cr B Browning & Cr B Smith.

RESOLUTION: #4607

Moved: Cr P Green

Seconded: Cr B Gangell

That Council:

1. **DOES NOT SUPPORT** a request to be made to the Minister pursuant to section 58 (1) under the *Land Administration Act 1997* to close the section of local road reserve (Land ID 3662697) that runs along the southern and eastern boundary of Lot 2425 on DP 169236 Walton Road, Karlgarin to amalgamate with the adjoining land as outlined in the map attached.

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil.

Absent: Cr B Browning & Cr B Smith.

Summary

The purpose of this report is to seek direction from Council to on whether to submit a request to the Minister to close the local road reserve (Land ID 3662697) that runs along the southern and eastern boundary of Lot 2425 on DP 169236 Walton Road, Karlgarin to amalgamate with the adjoining land.

Background

The Shire of Kondinin administration have been approached by the landowner of Lot 2425 on DP169236 seeking consideration of the formal closure of the public road reserve that runs along the southern and eastern boundary to enable the reserve to be amalgamated into the subject landowner's freehold property. The reason for the request from the landowner to purchase the crown land was described to the Shire to align the boundary line with the fence line, like the northern and western boundary lines of Lot 2425 Walton Road, Karlgarin, with the existing native vegetation in the road reserve proposing to remain similar to that existing along the northern and western boundary of Lot 2425.

A site visit has been undertaken by the Shire's Administration indicating that the section of the public road reserve to be closed will not change the current access of the subject property and surrounding lots, with access remaining from Walton Road, Chalk Hill West Road and Karlgarin East Road, Karlgarin.

To formalise this change, under section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998* the proposal first needs to be advertised for a minimum of 35 days before being reported back to council with any accompanying submissions made to formally resolve to request the Minister to close the local road reserve.

The Council considered the matter at its Ordinary Meeting held on 25 June 2025 and resolved as follows:

1. **SUPPORTS** advertising the closure of the section of local road reserve (Land ID 3662697) that runs along the southern and eastern boundary of Lot 2425 on DP 169236 Walton Road, Karlgarin to amalgamate with the adjoining land as outlined in the map attached:
2. **SUPPORTS** advertising the closure of the section of local road reserve (Land ID 3662697) that runs along the southern and eastern boundary of Lot 2425 on DP 169236 Walton Road, Karlgarin to amalgamate with the adjoining land as outlined in the map attached: and
3. **AUTHORISES** the Chief Executive Officer to commence the process pursuant to Section 58 of the *Land Administration Act 1997* and the Regulation 9 of the *Land Administration Regulations 1998*.

The advertising of the proposed road closures was undertaken commencing on the 27 June 2025 with an advert in two local newsletters circulated in the district (the Echo and the Hyden Householder) and submissions individually sought from three (3) adjacent landowners.

During the advertising period, a verbal inquiry was made seeking further information on the intention of the landowner to close the road reserve, and a formal submission received objecting to the proposal as shown as an attachment to this Agenda Report.

If Council support the request, information will be compiled in accordance with Section 9 of the *Land Administration Regulations 1998* and Section 58 of the *Land Administration Act 1997* for the Minister to consider the permanent closure of the abovementioned road reserve with due regard to the submission received from an adjacent landowner.

Statutory Environment

- Land Administration Act 1997
- Land Administration Regulations 1998

Policy Implications

Nil

Financial Implications

Nil. The landowner of Lot 2425 requesting the road closure will be required to purchase the section of the road reserve from the crown.

Strategic Implications

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

"CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government."

Voting Requirement

Simple majority

9.1.5 **PROPOSAL TO CLOSE PUBLIC ROAD – SECTION OF KING ROCKS ROAD NORTH, HYDEN**

Applicant:	N/A
Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	Chief Executive Officer
Date:	13 th August 2025
Disclosure of Interest:	Nil
Attachments:	Aerial Maps, Letter

RESOLUTION: #4608

Moved: Cr P Green

Seconded: Cr D Pool

That Council:

1. **SUPPORTS** advertising the closure of the northern section of King Rocks Road North from Casuarina Road to the termination of the public road at the State Barrier Fence as shown in the map attached pursuant to Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*;
2. **AUTHORISES** the Chief Executive Officer to commence the process pursuant to Section 58 of the *Land Administration Act 1997* and the Regulation 9 of the *Land Administration Regulations 1998*;

Lost: 6/0

For: Nil.

Against: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Absent: Cr B Browning & Cr B Smith.

RESOLUTION: #4609

Moved: Cr P Green

Seconded: Cr D Pool

That Council:

3. **SUPPORTS** the application of Schedule 9.1 (5) of the *Local Government Act 1995* and Regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996* as an interim measure to install a gate across a public thoroughfare at the intersection of King Rocks Road North and Casuarina Road, Hyden, subject to publishing a notice of the proposed closure via letters to surrounding owners and occupiers and an advert in a publication circulated in the locality; and
4. **AUTHORISES** the Chief Executive Officer to report the matter back to Council following the advertising period with a set of recommended conditions to be considered should permission be granted to install a gate across a public thoroughfare pursuant to Schedule 9.1 (5) of the *Local Government Act 1995* and Regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil.

Absent: Cr B Browning & Cr B Smith.

Summary

The purpose of this report is to seek approval from Council to close the northern section of the King Rocks Road North from Casuarina Road to the termination of the public road where it adjoins the State Barrier Fence.

Background

The Shire of Kondinin administration have been approached by the landowner of Lot 1232 on DP 204262 and Lot 1234 on DP 204262 seeking consideration of the formal closure of

the northern section of the King Rocks Road North from Casuarina Road to the termination of the public road where it adjoins the State Barrier Fence. The written request is attached to this Agenda Report.

Being a public road, the Shire does not have the authority to formally close the road or place a physical barrier on the road without approval via the relevant legislation.

In this scenario there are two options available to Council or a combination of the two as outlined in the Officer Recommendation.

Option 1

Follow the processes under Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998* to seek permission from the Minister to formally close the road with the preference to leave as crown land as a natural vegetation barrier and private internal access way. Discussions with the two (2) adjacent landowners have indicated that they are not interested in purchasing the land from the crown, however if the road is formally closed, they have stated that they would like it to be used as a private access way for exclusive use of adjoining Lots 1232, 1234 and 2640.

To formalise this change, under section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998* the proposal first needs to be advertised for a minimum of 35 days before being reported back to Council with any accompanying submissions made to formally resolve to request the Minister to close the local road reserve.

If approved by the Minister this approach would result in the permanent road closure and no further action required by the Shire.

Option 2

Follow the processes under Schedule 9.1 (5) of the *Local Government Act 1995* and Regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996* to install a gate across the public thoroughfare at the intersection of King Rocks Road North and Casuarina Road, Hyden.

Under this option, the proposal is first to be advertised, and the matter then reported back to Council for formal permission. Council may impose various conditions it sees fit such as condition on the construction, placement and maintenance of the gate and maintenance on the road that has been closed. The local government has the authority to cancel or vary the permission issued to the applicant at its discretion. The Local Government must also keep a register of gates and other devices constructed in accordance with a permission granted under this regulation.

Conclusion

The Shire's Administration have spoken to the landowners abutting the section of road proposed to be closed, both of whom are supportive of the closure. All surrounding lots, being Lot 1232 on DP 204262 (376 Bagshaw Road, Hyden); Lot 2640 on DP210252 (No. 442 King Rocks Road, Hyden) and Lot 1234 on DP204262 (No. 633 King Rocks Road North,

Hyden) will still all have direct access to a constructed road should this section of King Rocks Road, North be closed.

Anecdotally it is understood that a physical barrier to close the road has already been installed and therefore the Reporting Officer strongly recommends to Council that a preferred way forward is determined as a matter of priority to ensure the local government is compliant with relevant legislation.

Statutory Environment

- Land Administration Act 1997
- Land Administration Regulations 1998
- Local Government Act 1995
- Local Government (Uniform Local Provisions) Regulations 1996.

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

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

"CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government."

Voting Requirement

Simple majority

9.1.7 PROPOSED SUBDIVISION PLAN – KONDININ INDUSTRIAL

Applicant:	N/A
Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	Chief Executive Officer
Date:	15 th August 2025
Disclosure of Interest:	Nil
Attachments:	Draft Subdivision Plan; Aerial Map

RESOLUTION: #4610

Moved: Cr M James

Seconded: Cr B Gangell

That Council:

1. **SUPPORTS IN PRINCIPLE** the proposed subdivision plan for existing Lot 10 on DP418039 Nicholls Street, Kondinin
2. **AUTHORISES** the Chief Executive Officer to obtain costings to undertake a formal subdivision of Lot 10 on DP418039 as per the plan attached to enable development within the Kondinin Industrial area and report back to Council accordingly.
3. **AUTHORISES** the Chief Executive Officer to investigate access and costings to power and water to service the proposed new lots and report back to Council accordingly.

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil.

Absent: Cr B Browning & Cr B Smith.

Summary

The purpose of this report is to seek approval from Council to support in principle the subdivision plan for existing Lot 10 Nicholls Street, Kondinin and to authorise the Chief Executive Officer to further investigate the matter and report back to Council accordingly.

Background

The Shire of Kondinin administration have been approached by various members of the community seeking industrial properties to rent or lease.

The Shire of Kondinin currently owns in freehold Lot 10 on DP418039 Nicholls Street, Kondinin which currently accommodates the Shire town dams on the eastern portion of the lot which is zoned as a local scheme reserve for public purpose – infrastructure services, with the remainder of the Lot zoned industrial and unutilised.

To enable the opportunity to utilise this industrial area, the Shire's Administration engaged the services of a surveyor to prepare a draft survey plan for Council's consideration prior to progressing the matter further. As shown in the plan attached, the proposal comprises the creation of 5 new lots, with the two lots addressing the Williams-Kondinin Road being 3068m² and 3066m² respectively, two lots addressing Cottle Way being 4086m² and 4087m² respectively and one larger lot being 5.2399 hectares to accommodate the existing Shire dams. The proposed subdivision would require no changes to the Shire's Local Planning Scheme No.1 with the proposed four smaller lots zoned General Industry and the larger lot as a local scheme reserve for public purpose – Infrastructure Services.

Conclusion

It is recommended that Council review the survey plan attached to this Agenda report and support the progression of the matter. The Reporting Officer is open to suggestions from Council to amend the proposed survey layout if requested. As a guide most of the existing industrial lots along Munday Loop, Hyden are approximately 4000m².

Statutory Environment

- Planning and Development Act 2005

Policy Implications

Nil

Financial Implications

Subject to quotations received from surveyor and fees from the Western Australian Planning Commission.

Strategic Implications

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

"ECONOMY

2.1 Support the diverse industry across the Shire

Business activity increases in industrial areas"

Voting Requirement

Simple majority

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 LIST OF ACCOUNTS – JULY 2025

Applicant: Shire of Kondinin
 Author: Vince Bugna, Manager Corporate Services
 Disclosure of Interest: Nil
 Date: 5th August 2025
 Attachment(s): List of Accounts 01/07/2025 – 31/07/2025

RESOLUTION: #4611

Moved: Cr D Pool

Seconded: Cr K Green

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

• Municipal Fund payment cheque numbers 19515 to 19520	= \$ 41,683.03
• Municipal EFT20730 – 20763; 20765 – 20942	= \$2,238,582.80
• Direct Debits – Transport – Hyden Office	= \$ 8,779.60
• Direct Debits – Transport – Kondinin Office	= \$ 23,077.55
• Direct Debits – Credit Cards DD22802.1	= \$ 1,553.73
• Direct Debits – Other	= \$ 58,997.38
• EFTPOS Merchant Fees & Tyro	= \$ 1,730.95
• Bank Fees – NAB Connect	= \$ 466.33
• Payroll EFTs	= \$ 145,871.09
• Trust EFT20764	= \$ 200.00

TOTAL **= \$2,520,942.46**

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil.

Absent: Cr B Browning & Cr B Smith.

Summary

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

Background

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

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

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

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

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

Statutory Environment

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Public Consultation

Nil

Financial Implications

All payments made to the Shire creditors have been in accordance with the 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 REPORT**

Applicant:	Shire of Kondinin
Author:	Vince Bugna, Manager Corporate Services
Disclosure of Interest:	Nil
Date:	7 th August 2025
Attachment(s):	Monthly Financial Report for the period ended 30 th June, 2025

RESOLUTION: #4612

Moved: Cr P Green

Seconded: Cr BGangell

That Council receive the attached reports entitled Monthly Financial Report (Containing the required Statement of Financial Activity and Statement of Financial Position) for the period ended 30 June 2025.

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil.

Absent: Cr B Browning & Cr B Smith.

Summary

To present to Council the Monthly Financial Report for the period ended 30 June 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

Public Consultation

Nil

Financial Implications

In accordance with the approved material variances of 10% or \$10,000 whichever is the greater within the monthly Statement of Financial Activity during the 2024/25 financial year.

Strategic Implications

Shire's Strategic Community Plan 2022 – 2032

4. Civic Leadership

4.1 Skilled, capable and transparent team:

- We engage with the community on key projects and we provide regular, transparent communication

- The capability of our organisation is continually improved

4.2 We are a compliant and resourced Local Government:

- External audits and reviews confirm compliance with relevant Local Government legislation

- Financial sustainability in achieving community aspirations

Reporting Officer's Comment

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

Item	Reference
Cash at Bank The Shire's total cash as at 30 June 2025 was \$8,705,958 – composed of \$4,479,350 reserve accounts (restricted), \$53,618 LCDC fund, \$244,208 term deposit investments and \$3,928,782 general fund (Muni, OCDF & Petty cash).	Page 9 – Note 6 Cash and Financial Assets Page 10 – Note 7 Reserve Accounts
Receivables Rates and Rubbish – \$259,659 equivalent to 6% remaining as 94% have been collected as of 30th June 2025 in contrast to \$444,897 equivalent to 89% as of 30th June 2024. Other receivables of \$339,715 – composed of \$123,619 sundry debtors, \$204,995 gst receivable and \$11,101 ESL and pensioner related receivables.	Page 16 – Note 10 Receivables
Current Liabilities YTD balance is \$2,655,651 which includes \$485,162 of employees' annual and long service leave provision, \$271,390 Current portion of borrowings (payable within 12 months), \$293,345 unearned Capital Grants/Contributions and \$1,605,753 creditors invoices paid in July – August (including accruals and gst).	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity
Closing Funding Surplus (Deficit) YTD actual is \$2,699,484 – composed of \$9,671,504 Current Assets /less \$2,655,651 Current Liabilities and \$(4,316,370) Net Adjustments to Net Current Assets.	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity
Significant Capital Projects: ✓ Roadworks budgeted for \$3.7m (amended) this financial year is 132% completed of which \$1.51m RRUPP and \$1.3m SLRIP spent on Hyden Norseman Road. Note: SLRIP added in 2025 – not part of the original budget. ✓ Plant and equipment budgeted for \$1m have been completed. ✓ Land and buildings have a total budget of \$3.04m for WACHS housing, Kondinin Pavilion upgrade and staff housing are 47% completed. ✓ Other Infrastructure is 78% completed with minor balances carry forward next financial year.	Page 7 – Key Information Page 11 to 14 – Note 8 Capital Acquisitions
Grants, Subsidies and Contributions ✓ Operating grants total received = \$1.9m from FAGS 24/25 full payment and 25/26 advanced, Main Roads WA for Road Maintenance and few minor ones. ✓ Capital grants total = \$4m from completed RRUPP Hyden Norseman Road, MRWA full payment for RRG Lovering Road, R2R, SLRIP and DVA grants for Kondinin and Hyden War Memorial Garden improvements.	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 GENERAL REPORT

Construction

As Council would be aware we are presently working on the Hyden Norseman Road where we have 9kms of base course ready to wet mix and seal.

We are presently trying to get a further 4kms of base course carted prior to wet mixing.

This is proving to be a bit of a challenge to the wet weather over the last few weeks.

Stabilizer is booked for 16th of September and seal for Mid-October

In between we have carried out gravel sheeting works on Bushfire Rock Road.

Plant Hours

Please see in Information Report

Maintenance Grading

Winter Grading is still being carried out, presently we are out on the Forrestania/ Marveloch Road

Parks and Gardens

Routine Maintenance is being undertaken in Kondinin, Hyden and Karlgarin.

RESOLUTION: #4613

Moved: Cr M James

Seconded: Cr D Pool

That the Works Manager's reports be received.

Carried:6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil.

Absent: Cr B Browning & Cr B Smith.

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 POLICY MANUAL REVIEW 2025

Author: Mark Hook, Acting Chief Executive Officer
Authorised Officer: Mark Hook, Acting Chief Executive Officer
Date: 4th August 2025
Disclosure of Interest: Nil
Attachments: Policy Manual June 2025

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That the Policy Manual June 2025 as presented in its entirety be adopted by Council

Carried:

For:

Against:

Absent:

Item to lay on the table

Summary

Council is being requested to adopt all policies as contained in the policy manual attached.

Background

The Shire of Kondinin Policy Manual has been reviewed by staff, and several areas of the manual were discovered to require changes. Changes include correction of typographical errors, updates to name changes and improvements for readability and understanding.

Comment

Changes to the attached Policy Manual include correction of typographical errors, updates to name changes and improvements for readability and understanding. A number of policies have already been adopted in their entirety prior to the manual review being completed.

The updated Policy Manual, with minor editing links to the current Strategic plan.

Following is the History Summary for the Attached June 2025 Policy Manual.

History Summary

Item	Date	Action	Policy Number	Description
1	February 2021	Major - Review		A complete update and review of the policy manual were undertaken.
2	June 2022	Minor - Review		Minor adjustments to policies
3	October 2022	Minor Review	FIN-005	Minor adjustment to Purchasing Policy
4	February 2023	New Policy	COM-002	Added the Community Grant Program Policy
5	May 2023	New Policy	ADM-005	Added the Habitual or Vexatious Complainants Policy
6	July 2023	Minor Review	COM-002	Minor adjustment to Community Grant Program
7	June 2023 April 2024	Minor Review	COM-002	Added the Community Grant Program Policy
8	December 2024	New Policy	STAFF-012	Internet and WIFI/Lan Use
9	December 2024	New Policy	STAFF-013	Software on Administration Systems
10	December 2024	New Policy	STAFF-011	Electronic Mail (E-mail) Use
11	February 2024 August 2024	Minor Review	STAFF-004	Staff Housing
12	December 2024	Minor Review	CMP-001	Meetings of Council
13	October 2023	Minor Review	FACS-003	Sporting Club and Amenities
14	May 2025	New Policy	STAFF-014	Senior Staff Policy
15	June 2025	New Policy	EHO-002	Temporary Accommodation
16				

Statutory Environment

Local Government Act 1995

Shire of Kondinin Policy Manual

Policy Implications

Implementation of all policies contained in the Policy Manual in their entirety

Financial Implications

There is no financial implication associated with implementing this policy and guideline

Strategic Implications

The updated Policy Manual June 2025 aligns to the current Strategic plan.

Voting Requirement

Absolute Majority

9.5. CONFIDENTIAL ITEMS

RESOLUTION: \$4615

Moved: Cr K Green

Seconded: Cr B Gangell

That Council moves behind closed doors for the confidential items.

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil.

Absent: Cr B Browning & Cr B Smith.

9.1.6 TENDER 02/2025-2026 SWIMMING POOL MANAGEMENT SERVICES – HYDEN AQUATIC CENTRE

Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	Chief Executive Officer
Date:	13 th August 2025
Disclosure of Interest:	Nil
Attachments:	Nil

****CONFIDENTIAL****

Local Government Act 1995

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

RESOLUTION: #4616

Moved: Cr K Green

Seconded: Cr B Gangell

That Standing Orders be suspended at 5.19pm.

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil.

Absent: Cr B Browning & Cr B Smith.

RESOLUTION: #4617

Moved: Cr K Green

Seconded: Cr B Gangell

That Standing Orders be resumed at 5.29pm.

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil.

Absent: Cr B Browning & Cr B Smith.

RESOLUTION: #4618

Moved: Cr K Green

Seconded: Cr B Gangell

That Council:

- (1) **ACCEPTS** the tender received from Contract Aquatic Services for the Swimming Pool Management Services – Hyden Aquatic Centre; and
- (2) **AUTHORISES** the Chief Executive Officer to prepare the necessary documentation to engage in contractual arrangements with Contract Aquatic Services for the Swimming Pool Management Services – Hyden Aquatic Centre

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil.

Absent: Cr B Browning & Cr B Smith.

RESOLUTION: #4619

Moved: Cr K Green

Seconded: Cr D Pool

That Council comes out from behind closed doors.

Carried: 6/0

For: Cr K Mouritz, Cr B Gangell, Cr D Pool, Cr P Green, Cr M James & Cr K Green.

Against: Nil.

Absent: Cr B Browning & Cr B Smith.

9.6 COMMITTEE ITEMS

Nil

10. BUSINESS OF AN URGENT NATURE

11. CLOSURE

Being no further business, the meeting was closed at 5.31pm.