# SHIRE OF KONDININ

## MINUTES OF MEETING

## Kondinin Shire Council

## Ordinary Council Meeting

Held at the Shire of Kondinin Chambers on 21 October 2026

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261019 10146 Deputation statemen
261019 10146 Deputation Form.pdf
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# 1 OPENING OF MEETING

The meeting was opened at 4pm.

# 2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND DIGNITARIES

The President acknowledged the Traditional owners and dignitaries.

# 3 RECORDING OFATTENDANCE

## 3.1 ATTENDANCE

Shire President K Mouritz (Presiding Member), Deputy Shire President B Gangell (Deputy Presiding Member), Cr B Browning, Cr M James, Cr D Pool, Cr P Green
Chief Executive Officer B Wright, Mrs T Young, Mr V Bugna, Mr B Edwards, K Collard, Mrs A Kemp.

## 3.2 ATTENDANCE BY TELEPHONE OR INSTANTANEOUS COMMUNICATION

Cr Toni Smeed

Item 12.2.1 Etosha Milner Foresight and Emma Jones Synergy -representatives.

## 3.3 APOLOGIES

Nil

## 3.4 APPROVED LEAVE OF ABSENCE

Cr Smeed made previous application for leave pending availability of instantaneous communication.

## 3.5 DECLARATIONS OF DISCLOSURES OF INTEREST

# 4 APPLICATION FOR LEAVE OF ABSENCE

Nil

# 5 RESPONSE TO PREVIOUS QUESTIONS

## 5.1 QUESTIONS FROM ELECTED MEMBERS TAKEN ON NOTICE

Nil

## 5.2 QUESTIONS TAKEN ON NOTICE FROM PUBLIC

Nil

# 6 PUBLIC TIME

## 6.1 PUBLIC QUESTION TIME

Nil

## 6.2 PUBLIC STATEMENT TIME

Nil

## 6.3 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

The Shire President requested that Item 12.2.1 be promoted in the agenda to item number 1 to be determined by the Council and allow Ms Hall to present her deputation and hear the outcome.

Jacqui Hall – Senior Planner with Etosha Milner (Foresight) and Emma Jones (Synergy) on Teams.




261019 10146 Deputation statemen




261019 10146 Deputation Form.pdf

# 7 QUESTIONS FROM MEMBERS WITH NOTICE

**Questions with Notice - Councillor Smeed - 20 October 2026 (Email)**

**Declarations of Disclosure of Interest Item 12.2.9 Active Footpath Grant**

***Why do I have to declare a proximity interest (and leave the room) when the footpath does not go anywhere near my home?***

Administration Response:

On review, proximity may not be the correct category. A proximity interest applies only where a matter involves development of land adjoining the member's land. That includes the road frontage of the member's lot or land directly across the road (s.5.60B, Local Government Act 1995). If the proposed footpath does not pass the member's property, that test is not met.

Two other types of interest may still be relevant, and members should consider them: Financial interest. A member has a financial interest where a decision could reasonably be expected to result in a financial benefit to the member or a closely associated person, including a spouse or partner (ss.5.60A and 5.62). If a closely associated person may quote or tender for works funded by the grant, the prudent course is to disclose a financial interest. The member would then not take part in, or be present for, the item (s.5.67). Impartiality interest. Members who are party to the Repacholi Parade residents' petition received on 10 June 2026 have an interest that could reasonably be seen to affect impartiality. It should be disclosed, but it does not require the member to leave the room.

Disclosure is the responsibility of each member. Information relating to disclosures has been circulated as an information sheet at past OCM's. The interim "Standing Orders" Policy adopted by Council is the primary reference document.

***Wouldn't all the Councillors who run a farming business have to disclose a financial interest in 12.2.2 'Proposed exemption from schedule 4 (clause 1) column 2 of the building regulations 2012,' if we are looking at including the Shire of Kondinin in Schedule 4, clause 1, column 3 of the building regulations 2012? There is a distinct financial advantage for these businesses if we go ahead with this inclusion.***

Administration Response:

No disclosure is required. Under s.5.63(1)(a), an interest shared with a significant number of electors or ratepayers doesn't need to be disclosed. The change would apply equally to all farming ratepayers. A Councillor would only need to disclose if they had a specific benefit beyond that, such as a current building project.

***Question from myself re DCCM regarding the quality of work at the CRC. This mentions the work happening at the Hyden CRC. This was relating to the quality of work in the bathroom at the Kondinin CRC, which still leaks after remediation work, plus other work that has not been completed there.***

Administration Response:

The minutes incorrectly refer to the Hyden CRC; the question related to the Kondinin CRC. This will be corrected when the minutes are confirmed. The CEO will speak with the Contract Coordinator about this job – we are mid transitioning roles and responsibilities so there are some cross-over delays.

***12.2.2 - the recommendation for part 1 should read: b) - all areas of the local planning scheme. In the minutes, it is listed as part a.***

Administration Response:

Noted. It should read (b), "all areas of the Local Planning Scheme". This will be corrected on confirmation.

***EFT 22588 Kondinin Hotel $840.00 PO 32394 - accommodation for Acorp 28th-30th July and 3rd - 6th August***

***EFT 22653 Kondinin Hotel $360.00 PO 32372 - accommodation for Acorp 28th - 30th July and 3rd - 6th August.***

***Why are there two different amounts, PO numbers and EFT numbers for the same accommodation dates?***

Administration Response:

These are two invoices against one purchase order covering both stays:

EFT 22653 – $360.00 – Invoice 32372 – 28 to 30 July 2026

EFT 22588 – $840.00 – Invoice 32394 – 3 to 6 August 2026

The numbers listed as PO numbers are invoice numbers, and both descriptions showed both date ranges. The listing will be corrected.

***EFT 22645 $123727.10 Hyden Progress Association - second payment of site architecture - can this please be explained***

Administration Response:

This is the second (and final) instalment of the reimbursement to HPA for Site Architecture design costs under the November 2025 MOU for the proposed Wave Rock (Katter Kich) Discovery Centre. Total paid to date: $250,000.

***Shire of Kondinin Purchasing Policy 005 - mentioned in various recommendations and tender documents on Vendor Panel. Our local business emailed for a copy of this document and was advised that it was being put forward at this meeting. It does not form part of the agenda. Does this policy exist?***

Administration Response:

Purchasing Policy 005 exists and is in force, as required under reg 11A of the Local Government (Functions and General) Regulations 1996. The business referred to was advised by email that the policy review would go to Council in November, not this meeting, which is why it isn't in the October agenda. A copy of the current policy is available upon request.

***Agenda item 12.2.2 - request for freehold of portion of reserve 49449, Repacholi Parade***

***I will declare a proximity interest***

***There is remnant vegetation in the north part of this plan, which would be disappointing to see knocked down.***

***Why keep the road reserve next to Lot 284 Repacholi Parade, if there are no plans to purchase the farmland behind the current buildings to develop housing?***

Administration Response:

Remnant vegetation: Any clearing would need a clearing permit under Part V of the Environmental Protection Act 1986 unless exempt. Council can make retention a condition of support.

Road reserve next to Lot 284: Retaining the road reserve keeps future access options open. It does not commit Council to buying the adjoining farmland or to housing development.

***Resolution OCM/26/022 - Bush Fire Brigade Officer appointments***

***As listed in 2 d) and audio minutes - subject to Lachie Mouritz being appointed as Deputy Fire Control Officer for Hyden North Bush Fire Brigade in charge of Jeremy James. In the agenda resolution 12.4.4 6d) - appointment of Jeremy James as deputy for Hyden Brigade North is subject to CEO receiving written confirmation of nomination and acceptance by 1st November.***

***Who is meant to be the deputy for Hyden Brigade North?***

Administration Response:

Mr Lachie Mouritz. The resolution, audio and agenda item 12.4.4 6(d) are inconsistent. We are awaiting confirmation of the nominated Deputy FCO for Hyden North.

# 8 ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

Nil

# 9 DECLARATION OF MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE AGENDA BEFORE THE MEETING

The declaration was not made.

# 10 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**RESOLUTION OCM/26/024**

Moved: Cr Bruce Browning

Seconded: Cr Beverley Gangell

That the minutes of the Ordinary Council Meeting of 23 September 2026 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting. (Subject to the amendments described by Cr Smeed)

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

# 11 REPORTS OF COMMITTEES

## 11.1 AUDIT & RISK

Nil

## 11.2 ADD THE OTHERS

Nil

# 12 REPORTS OF OFFICERS

## 12.1 CORPORATE SERVICES

### 12.1.1 List of Accounts - September 2026

**FILE NUMBER:**

**DATE**: 12 October 2026

**AUTHOR:** Vince Bugna, Manager Corporate Services

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - NIL

Authoriser - Nil

**ATTACHMENTS:** 1. List of Accounts - September 2026 - *Under Separate Cover*

**RECOMMENDATION**

1. That Council receive the attached report – List of Accounts Due & Submitted to Council for the month September 2026.

| | |
|---|---|
| (a) Municipal fund payment cheque numbers 19585 to 19587 | $ 11,822.12 |
| (b) Municipal EFT 22585 to 22681 | $637,141.83 |
| (c) Direct Debits – Transport – Hyden | $ 14,284.50 |
| (d) Direct Debits – Transport – Kondinin | $ 8,055.25 |
| (e) Direct Debits – Credit Cards – DD24306.1 | $ 1,872.33 |
| (f) Direct Debits – Other | $ 54,171.38 |
| (g) EFTPOS & AKF Bank Fees | $ 472.54 |
| (h) Payroll EFTs | $164,031.82 |
| **Total** | **$891,951.77** |

**SUMMARY**

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

**VOTING REQUIREMENT**

Simple Majority

**COUNCIL'S ROLE**

**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

## BACKGROUND

The Chief Executive of a local government has delegated authority to make payments from Municipal and 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 payment;

(c) The date of payment;

(d) Sufficient information to identify the transaction.

Sub-regulation (3), a list of 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.

## FINANCIAL

All payments made to the Shire creditors have been in accordance with the 2026/27 Annual Budget.

## RISK

Non-compliance

## POLICY

Nil

## STATUTORY

*Local Government (Financial Management) Regulations 1996*

## STRATEGIC

**Theme**

4. CIVIC LEADERSHIP

**Goal**

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced Local Government

**Strategy**

4.1.5 The capability of our organisation is continually improved

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

4.2.2 Financial sustainability in achieving community aspirations

## COMMENT

Nil

## CONSULTATION

Nil

**RESOLUTION OCM/26/025**

Moved: Cr Murray James

Seconded: Cr Paul Green

1. That Council receive the attached report – List of Accounts Due & Submitted to Council for the month September 2026.

| | | |
|---|---|---|
| (a) | Municipal fund payment cheque numbers 19585 to 19587 | $ 11,822.12 |
| (b) | Municipal EFT 22585 to 22681 | $637,141.83 |
| (c) | Direct Debits – Transport – Hyden | $ 14,284.50 |
| (d) | Direct Debits – Transport – Kondinin | $ 8,055.25 |
| (e) | Direct Debits – Credit Cards – DD24306.1 | $ 1,872.33 |
| (f) | Direct Debits – Other | $ 54,171.38 |
| (g) | EFTPOS & AKF Bank Fees | $ 472.54 |
| (h) | Payroll EFTs | $164,031.82 |
| | **Total** | **$891,951.77** |

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

## 12.1.2 Monthly Financial Report - September 2026

**FILE NUMBER:**

**DATE**: 14 October 2026

**AUTHOR:** Vince Bugna, Manager Corporate Services

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

**ATTACHMENTS:**
1. Monthly Financial Report for the period ended 30 September 2026 - *Under Separate Cover*

### RECOMMENDATION

1. That Council receive the attached report entitled Monthly Financial Report (Containing the required Statement of Financial Activity and Statement of Financial Position) for the period ended 30 September 2026.

### SUMMARY

To present to Council the Monthly Financial Report for the period ended 30 September 2026.

### VOTING REQUIREMENT

Absolute Majority

### COUNCIL'S ROLE

**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### 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 of Kondinin's financial activities for the period at which it relates.

## FINANCIAL

In accordance with the approved material variances of 10% or $25,000 whichever is the greater within the monthly Statement of Financial Activity during the 2026/27 financial year.

## RISK

Non Compliance

## POLICY

Nil

## STATUTORY

*Local Government Act 1995*

*Local Government (Financial Management) Regulation 1996*

## STRATEGIC

**Theme**

4. CIVIC LEADERSHIP

**Goal**

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced Local Government

**Strategy**

4.1.5 The capability of our organisation is continually improved

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

4.2.2 Financial sustainability in achieving community aspirations

## COMMENT

Highlights of the September 2026 financial reports are as follows:

| Item | Reference |
|---|---|
| • **Cash at Bank**<br>The Shire's total cash as of 30 September 2026 was **$7,378,523 –** composed of $3,421,350 reserve accounts (restricted), $56,710 LCDC fund, $1,329,325 term deposit investments and $2,571,138 general fund (Muni, OCDF & Petty cash). | Page 9 – Note 6 Cash and Financial Assets<br><br>Page 10 – Note 7 Reserve Accounts |
| • **Receivables**<br>**Rates and Rubbish = $390,230** net collectible – carry forward 2025/26 balance.<br>**Other receivables** of **$124,630** – composed of $17,935 Sundry Debtors, $63,000 Gst receivable and $43,695 ESL and pensioner related receivables. | Page 16 – Note 10 Receivables |
| • **Current Liabilities**<br>YTD balance is **$1,327,291** includes $388,237 of employees' annual and long service leave provision, $251,836 Current portion of borrowings (payable within 12 months), $399,753 unearned | Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity |

| | |
|---|---|
| Capital Grants/Contributions and $287,466 creditors' invoices. | |
| • **Closing Funding Surplus (Deficit)**<br>YTD actual is **$3,298,246** – composed of $7,908,097 Current Assets *less* $1,327,291 Current Liabilities and $(3,282,559) Adjustments to Net Current Assets. | Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity |
| • **Significant Capital Projects**:<br>✓ Roadworks budgeted for $5.6m is 10% completed from R2R142 – Lake O'Connor Road, WSFN Kondinin-Narembeen Road White lining, SLR032 Hyden Norseman Road.<br>✓ Plant and equipment budgeted for $1.8m is 37% completed – changeover of Admin and Doctor's vehicles and replacement of Fire Tender from DFES.<br>✓ Land and Buildings $120,054 does not include capitalised Discovery Centre $250,000 (Reserve funded). | Page 7 – Key Information<br><br>Page 11 to 14 – Note 8 Capital Acquisitions |
| • **Grants, Subsidies and Contributions**<br>✓ Operating grants total $466,987 include MRWA Direct grant for general road maintenance, 1st quarter payments of Financial Assistance (FAGS) and DFES grants allocation.<br>✓ Capital grants total to-date = $133,529 include MRWA WSFN for the white lining of Kondinin-Narembeen Road and partial payment for Shared pathway (Kondinin & Hyden) DOT grants. | Pages 21 – Note 15 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.

**CONSULTATION**

Nil

**RESOLUTION OCM/26/026**

Moved: Cr Darren Pool

Seconded: Cr Paul Green

1. That Council receive the attached report entitled Monthly Financial Report (Containing the required Statement of Financial Activity and Statement of Financial Position) for the period ended 30 September 2026.

**CARRIED 7/0 BY ABSOLUTE MAJORITY**

| | |
|---|---|
| For: | Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green |
| Against: | Nil |

## 12.1.3 Environmental Health Report

**FILE NUMBER:**

**DATE**: 15 October 2026

**AUTHOR:** Kylie Collard, ESO

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

**ATTACHMENTS:** Nil

### UPDATE

July - September 2026

### Health

During the July - September 2026 quarter the Environmental Health Service continued to deliver regulatory compliance, statutory assessment and public health functions across the Shire. Key activities included enforcement under the Health Act, food safety inspections, development referrals, onsite wastewater approvals, waste management compliance and planning for major community events.

**Building Complaints – Health Act**

- 9 Rankin Street Kondinin – Health Act Notice
- 59 Rankin Street Kondinin – Health Act Notice
- 27 Clayton Street Hyden – Health Act Notice
- 8 Browning Street Kondinin – Health Act Notice
- 8 Cook Street Kondinin – Health Act Notice (discussion with new owner)
- 76 Rankin Street Kondinin – Health Act Notice
- 26 Rankin Street Kondinin – Health Act Notice
- 2 Wignell Street Kondinin - Health Act Notice

**Community Engagement**

- EH Newsletter Article – Pool Safety Barriers

Development Assessment Team Environmental Health advice was provided on development applications including food premises, residential development and mining proposals.

- 48 Cook Street, Kondinin –inspection with CEO
- 15 Raine Place, Hyden
- King Rocks Wind Farm Operational Management Plan review
- Kondinin Wind Farm information for Council meeting
- Synergy Camp – enquiry from Hyden Progress Association post KRWF development
- 2 Wignell St Kondinin – discussion with owner regarding building works and Health Act compliance requirements
- Kondinin Pavillion request for food premises inspection Events

Wave Rock Weekender Event Compliance and Approval Food Safety Inspected the following Food Businesses for Food Act compliance –

- Karlgarin Bowling Club Food Business registration
- Wave Rock Weekender Mobile Food Operators
- Mr Goz
- La Paleta
- Freo Pizza
- Soul Coccina Food and Public Health Act Annual Report to the Department of Health

Food Recall Notices circulated to all food businesses

- Snackbrands Australia - Chickadees Various Sizes
- UPDATED 30.07.26 | Auxico (Perth) Pty Ltd - LGM HOT CHILLI OIL 275G
- Key-Sun Kids Honey & Eucalyptus + acerola lozenge - 54 g (12 x 4.5 g lozenges)
- Chen Foods - Mr Chen's Szechuan Chilli Oil - 250g
- Greenstorm Foods t/a Austral Herbs - Certified Organic Premium Peppermint Leaf (Mentha piperita) - 250g, 1Kg, 5Kg, 10Kg
- JC Seafood Sweet Chilli & Lime Salmon Portions - 275g New Food Standard 3.2.2A notification circulated to all Food Premises; this requires some food premises to have the following from December 2023:

Food safety supervisors: Food Premises will need to appoint a food safety supervisor for their business.

Food safety training: All food handlers will need to show they have had food safety training.

Key food safety controls: Food Premises will need to keep records of important food safety controls or be able to demonstrate safe food handling practices.

**Lodging Houses & Caravan Parks**

- Wave Rock Short Stay

Processing all Lodging House and Caravan Park annual fee payments and issuing of renewal certificates / licences

Onsite Septic Systems Applications

- Lot 19719 Notting-Karlgarin Road, Kondinin – Pending final approval
- 263 Gordon Street Kondinin – Pending final approval
- Lot 802 Hyden-Lake King Road, Hyden – Pending final approval
- Lot 74 Rankin Street, Kondinin – Pending final approval
- Lot 158, No 8 Raine Place Hyden – Pending final approval
- LOT 192 Mt Walker Road, Hyden – Pending final approval • Melba St Karlgarin – RV dump point – Pending final approval
- 24 McPherson Street Hyden – Pending final approval
- 39 Repacholi Pde Kondinin – Pending final approval
- 2952 Aylmore Road Hyden – Pending final approval
- 1271 East Hyden Bin Road, Hyden – Pending final approval
- 25 Rankin Street Kondinin – Pending final approval

- Lot 159 #2 Raine Place Hyden – Pending final approval
- 94 King Rocks Road, Hyden – Pending final approval
- 2093 Kerrigan Road, Hyden – Pending final approval
- Lot 37 Cook Street, Kondinin – Pending final approval

Follow up compliance letters sent to all applicants

**Orders & Requisitions Enquiries**

- A40 - Lot 40, 8 Cook Street, Kondinin
- A935 - Lot 2466 - 1697 Hyden-Norseman Road, Hyden WA

**Pool Water Sampling**

All pools closed for the season

**Pool Fence/Barrier Compliance Inspections**

- Nil this reporting period
- Annual report to DLGIRS

**Professional Development**

- Information Session for Building Surveyors: Compliance with the NCC Part 3
- Awareness to Action: Strengthening Integrity in Local Government workshop
- Principal EHO Group Meeting
- Environment Online Webinar
- Regulation 18C of the Waste Avoidance and Resource Recovery Regulations 2008 Webinar
- Public Health Act seminar – postponed

**Public Buildings**

Wave Rock Weekender RoeROC

**Bendering Tip Working Group meeting**

- Bendering Tip Compliance Audit Report presented at RoeROC meeting
- Bendering Tip Operational Report – Avon Waste Stallholder / Street Trading Permits
- The Feedlot
- Hyden Markets Strategic Planning
- EHO Upcoming Work Programme October - December Temporary Accommodation Applications
- 48 Cook Street Kondinin - Temporary Accommodation application approved

**Waste Management**

- Ongoing inspections of waste facilities
- Various enquiries and permits issued for disposal of asbestos to Bendering Tip
- Licence Renewal Application to DWER
- Environment Online onboarding

- Submission of 2025-26 Annual Waste and Recycling data return under Regulation 18C of the Waste Avoidance and Resource Recovery Regulations 2008 Wave Rock Wastewater Pond – Crown Reserves 28832 and 28833
- Matter remains under investigation. Other
- Submission on proposed amendment to Schedule 4 (Clause 1) of the Building Regulations 2012
- Rat bait disposal enquiry – Muirs
- Beauty therapy home business enquiry
- 32 Naughton Street Hyden – broken asbestos fencing clean up
- Hyden Primary School asbestos remediation
- Kondinin Hospital sewer records enquiry
- Contaminated sites enquiries from Auditors
- Central Wheatbelt Regional Health and Building Forum Convenor

The report was duly noted by the Council

## 12.2 PLANNING & ASSETS

Ms Jacqui Hall presented the deputation to the Council, noting that Planning Solutions supports the recommendations. Mr Milne and Ms Jones also noted support of the recommendation.

## 12.2.1 Workforce Accommodation at Lot 192 Hyden-Mt Walker Road, Hyden - Amendment to Development Approval

| | |
|---|---|
| **FILE NUMBER:** | Property File - Lot 192 Hyden-Mt Walker Road, Hyden |
| **DATE:** | 21 October 2026 |
| **AUTHOR:** | Tory Young, Manager Planning & Assets |
| **AUTHORISED OFFICER:** | Bruce Wright, Chief Executive Officer |
| **DISCLOSURE OF INTEREST:** | Author -<br>Authoriser - |
| **APPLICANT:** | Planning Solutions |
| **OWNER:** | Hyden Progress Association |
| **PROPOSAL:** | Workforce Accommodation – Amendment to Development Approval |
| **LOCATION:** | Lot 192 Hyden-Mt Walker Road, Hyden |
| **ATTACHMENTS:** | 1. Development Application Report - *Under Separate Cover*<br>2. Attachment 1 - Certificate of Title - *Under Separate Cover*<br>3. Attachment 2 - Traffic Impact Statement - *Under Separate Cover* |

**RECOMMENDATION**

That Council

1. APPROVES the application received on 4 September 2026 to amend the development approval granted by Council at its Ordinary Meeting held on 12 February 2025 for the Workforce Accommodation Facility at Lot 192 Hyden–Mt Walker Road, Hyden, to transition its use from accommodating the workforce associated with the King Rocks Wind Farm to accommodating the workforce associated with the Kondinin Wind and Solar Farm, as outlined in the Development Application Report dated September 2026 forming part of this amended approval, subject to the following amendments:

   a) Condition 4 is amended to read:

   This approval is valid until June 2030. Following expiry of the approval, occupation and use of the development must cease and all development works must be demolished, materials removed from the site and adjoining road reserve, and the land rehabilitated to its original state as broadacre farming land within two years of the cessation of the development, unless otherwise approved by the Local Government.

   b) Condition 6 is amended to read:

   Prior to occupation of the development by the workforce associated with the Kondinin Wind and Solar Farm, an amended Operational Management Plan must be submitted to and approved by the Local Government. Once approved, the Operational Management Plan must be implemented at all times to the satisfaction of the Local Government.

c) Condition 9 is amended to read:

Prior to occupation of the development by the workforce associated with the Kondinin Wind and Solar Farm, an amended Emergency Management Plan must be submitted to and approved by the Local Government. Once approved, the Emergency Management Plan must be implemented at all times to the satisfaction of the Local Government during the operation of the development.

d) The following additional condition is imposed:

Prior to occupation of the development by the workforce associated with the Kondinin Wind and Solar Farm, the Traffic Impact Statement dated August 2026 must be revised and submitted to the Local Government for approval, in consultation with Main Roads Western Australia. The revised Traffic Impact Statement must:

i. identify and provide detailed justification for the proposed workforce commuter route, including consideration of sight distance, intersection geometry and any required turn treatment at intersections with Brookton Highway;

ii. not rely on the Brookton Highway and Wilkins Road intersection as the principal workforce commuter route unless further assessment demonstrates, to the satisfaction of the Local Government and Main Roads Western Australia, that the intersection can safely accommodate the proposed workforce traffic; and

iii. be supported by a Journey Management Plan addressing route compliance, driver fatigue, wildlife risk, minimum vehicle occupancy and bus transportation arrangements.

The approved commuter route and Journey Management Plan must be incorporated into the traffic-management section of the amended Operational Management Plan and implemented at all times to the satisfaction of the Local Government.

2. ADVISES the Applicant that this amended approval relates to the use of the workforce accommodation facility and the movement of workforce personnel between the facility and the Kondinin Wind and Solar Farm site. It does not replace, amend or limit any traffic, road-condition, road-maintenance, construction-management or oversized and over-mass vehicle obligations imposed through the separate development approval for the Kondinin Wind and Solar Farm.

3. ADVISES the Applicant that any damage to Shire roads attributable to traffic generated by the development may be addressed under applicable legislation, approval conditions or separate agreements.

**SUMMARY**

This report asks Council to consider amending the existing development approval for the workforce accommodation facility at Lot 192 Hyden–Mt Walker Road, Hyden.

The amendment would allow the facility, currently used by workers associated with the King Rocks Wind Farm, to accommodate workers associated with the construction of the Kondinin Wind and Solar Farm.

No changes to the approved buildings or site layout are proposed. The maximum workforce would reduce from 189 to 130 people, and the approval would continue to expire in June 2030.

The principal change is the redirection of workforce traffic west from Hyden to the Kondinin Wind and Solar Farm. Following consultation with Main Roads Western Australia and the Applicant, revised conditions are recommended to require an approved commuter route and Journey Management Plan

while avoiding duplication of the construction-traffic and road-management obligations imposed through the separate wind and solar farm approval.

## VOTING REQUIREMENT

Simple Majority

## COUNCIL'S ROLE

**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

## BACKGROUND

At its Ordinary Meeting held on 12 February 2025, Council approved an application for a workforce accommodation facility at Lot 192 Hyden–Mt Walker Road, Hyden, subject to conditions and advice notes.

The approval was issued for a period ending in June 2030. The facility was intended to accommodate the workforce associated with the construction of the King Rocks Wind Farm and became operational in October 2025.

On 15 November 2022, Synergy was granted development approval through the Joint Development Assessment Panel for a wind farm over Lots 2845 and 2640 King Rocks Road North, Hyden. Construction commenced in October 2025 and is now nearing completion.

On 15 November 2018, Kondinin Energy Pty Ltd was granted development approval through the Joint Development Assessment Panel for a wind and solar farm over 19 freehold lots located approximately five kilometres north and north-east of the Kondinin townsite.

That approval was subsequently amended by Council at its Ordinary Meeting held on 19 March 2025 to increase the annual community contribution and provide a further two-year extension for works to substantially commence by November 2027.

Kondinin Energy Pty Ltd has advised that the project has achieved financial close and is progressing toward construction, creating a requirement for workforce accommodation.

The construction timelines of the two renewable-energy projects provide an opportunity for the existing workforce accommodation facility to transition from the King Rocks Wind Farm workforce to the Kondinin Wind and Solar Farm workforce.

The Applicant has advised that the facility is expected to be transferred to the new project arrangements around February 2027. It is also understood that the existing contractor responsible for the daily operation of the accommodation facility is expected to continue, providing continuity in the management of the site.

The contractual and commercial arrangements between Synergy, Kondinin Energy Pty Ltd, the Hyden Progress Association and the facility operator are separate from Council's consideration of the proposed amendment.

The application has been made under clause 77(1)(b) and (c) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. These provisions allow an application to be made to amend or delete a condition of approval or amend an aspect of an approved development where the amendment would not substantially change the development.

**Planning Assessment**

Shire of Kondinin Local Planning Scheme No.1

**Zoning and Land Use Permissibility**

The subject site is zoned Rural under the Shire's Local Planning Scheme No.1.

The objectives of the Rural Zone in the Shire's Local Planning Scheme No.1 are listed as follows

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

The proposed development remains compatible with the objectives of a Rural Zone in accordance with clause 18 (4) (a) of the Shire of Kondinin Local Planning Scheme No.1.

**Development Standards and Requirements**

The Shire's Local Planning Scheme No.1 development standards and requirements remain unchanged relating to this proposal and were considered as part of the original development approval.

The amendment proposes two key changes:

- Reducing the peak workforce from the 189 workers approved under the original development approval to 130 workers.
- Redirecting the commuter route west to the Kondinin Wind and Solar Farm, rather than east to the King Rocks Wind Farm.

The Applicant has submitted supporting information on the proposed commuter route in the Development Application Report dated September 2026 and the accompanying Transport Impact Assessment dated August 2026. Both documents form part of the amended development application.

Following its review, the Shire's Administration has concerns about the proposed use of Wilkins Road. Main Roads WA has raised similar concerns, which are discussed later in this Agenda Report.

**Amendment Legislation**

The application presented to Council to amend the existing development approval for the Workforce Accommodation at Lot 192 Hyden-Mt Walker Road, Hyden has been made pursuant to Reg. 77 (1) (b) (c) Schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions) which prescribes as follows:

An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following;

(a) To amend or delete any condition to which the approval is subject;

(b) To amend an aspect of the development approved which, if amended, would not substantially change the development approved.

The Reporting Officer supports the Applicant in that the proposed amendment will not substantially change the development approved and is consistent with the relevant requirements of Part 8 of the Local Planning and Development (Local Planning Schemes) Regulations 2015 as summarised below:

- The proposal does not alter any built-form elements, and the site will continue to operate as accommodation for workers involved in constructing a renewable energy facility.
- The planning framework to which the original application was assessed remains in place and relevant to the amended application presented in this report
- There is no extension for the period sought for the operation of the workforce accommodation on the site

- The proposal is considered a minor amendment, enabling the existing facility to transition from accommodating the workforce for one renewable energy construction project to accommodating the workforce for another. The principal change is the commuter travel route, as documented in the Development Application Report and the associated Transport Impact Statement.

**Matters for Consideration**

Clause 67 (2) of the Deemed Provision under the Planning and Development (Local Planning Schemes) Regulations 2015 sets out matters for which due regard is to be given by the Local Government when considering a development application.

The table provided in the Development Application Report dated September 2026 has addressed all matters of the above Deemed Provision with corresponding documentation and can be read as an attachment to this Agenda Report. Matters (y) and (za) requiring submissions to be received from the public or a relevant authority respectively are addressed further by the reporting officer below.

The reporting officer is generally supportive of the responses provided by the Applicant in relation to the matters in the Deemed Provisions except for the responses relating to traffic flow and safety. The clause from the Deemed Provision is extracted below with subsequent information provided by the Reporting Officer.

*(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety*.

The Applicant has advised that the updated Traffic Impact Statement dated August 2026 confirms traffic, travel patterns and access resultant from the proposed new workforce to the Kondinin Wind and Solar Farm to be appropriate.

The Reporting Officer does not consider the Traffic Impact Statement dated August 2026 has addressed this matter adequately, particularly the recommended commuting route from Hyden to the Kondinin Wind Farm Site. The recommendation to utilise Wilkins Road off Brookton Highway for approximately 100 vehicles movements per day (50 entering Wilkins Road and 50 exiting Wilkins Road) poses significant safety concerns around this intersection. This is further addressed in the consultation section in the feedback from the Referral Agencies.

In relation to matter (y) from the deemed provisions, no formal submissions were received during the consultation period and therefore no further comment is required to address this matter.

In relation to matter (za) from the deemed provisions extracted below, the Local Government has received a submission from Main Roads WA as documented in the consultation section of this report. This has been incorporated into the officer recommendation should the proposed amendment to the development approval be granted.

*(za) the comments submissions received from any authority consulted under clause 66; Reponses to the submissions received are documented and where relevant incorporated into any Development Approval issued*.

## FINANCIAL

Planning fees as per the Shire's 2026/2027 Fees and Charges.

## RISK

The proposal presents a relatively low overall risk as it does not involve changes to the built form, reduces the original approved workforce capacity from 189 to 130 workers, and primarily aligns with the existing approval to accommodate a workforce for the construction of a renewable energy facility. However, a medium safety risk has been identified in relation to the proposed commuter route to Kondinin Wind and Solar Farm. If approval is granted, this risk should be addressed through appropriate conditions of development approval.

## POLICY

Nil

## STATUTORY

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Kondinin Local Planning Scheme No.1

## STRATEGIC

**Theme**

4. CIVIC LEADERSHIP

**Goal**

4.2 We are a compliant and resourced Local Government

**Strategy**

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

## COMMENT

Following consultation on the draft conditions, Administration accepts the Applicant's request to remove road-condition surveys, dust suppression, road-maintenance and broader construction-traffic requirements from the workforce accommodation approval. These matters relate principally to construction of the Kondinin Wind and Solar Farm and remain regulated through the separate development approval and associated management plans.

The revised condition retains the matters directly relevant to the workforce accommodation facility, including identification and justification of the commuter route, intersection safety, consultation with Main Roads Western Australia and preparation of a Journey Management Plan.

This approach avoids unnecessary duplication while preserving the Shire's control over workforce traffic and maintaining the construction and road-management obligations imposed through the separate wind and solar farm approval.

## CONSULTATION

**Public Consultation**

The application was advertised for a period of 17 days with the Applicant's consent in accordance with clause 64 (6) and (7) Advertising Applications of Schedule 2 Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. The 17-day advertising commenced on the 16 September 2026 and concluded on 2 October 2026 and comprised letters to all occupants / landowners within 200m from the subject property, notice in the Shire of Kondinin's website, the Shire of Kondinin Facebook Page, the Hyden Householder, the Shire's Echo newspaper and on local notice boards in the Kondinin and Hyden.

During the public consultation period no formal submissions were received.

**Referrals / Consultation with Government / Service Agencies**

Feedback on the proposal was sought under Deemed Provisions 66 of the Planning and Development (Local Planning Scheme) Regulations 2015. The one (1) submission received from State Agencies have been summarised in the table below and are also addressed in the 'Planning Assessment.'

| No. | Referral Agency | Summary of Response Provided | Officer Comment |
|---|---|---|---|
| 1 | Main Roads WA | Concerns raised regarding the use of Brookton Highway / Wilkins Road intersection as the primary route for workforce traffic.<br><br>While the report [Traffic Impact Statement August 2026] concludes that intersection upgrades are not warranted, Main Roads WA observations of the intersection geometry indicate that the route has existing constraints, including the horizontal alignment, crest conditions and available sight distance for turning movements. The intersection is also located within a section of road marked with double centre lines.<br><br>Given the anticipated workforce volumes associated with the project Main Roads WA would not support reliance on this route without further assessment of the intersection.<br><br>It the Proponent wishes to continue to use the Brookton Highway / Wilkins Road route, Main Roads WA recommends that the intersection be reassessed to determine whether the upgrades or sealing improvements are required to safely accommodate the proposed traffic volumes.<br><br>As an alternative, Main Roads WA recommends consideration be given to maintaining travel on Brookton Highway and utilising the Kondinin-Narembeen Road / Notting Karlgarin Road route, in turn utilising sealed intersections and potentially a more suitable outcome from a road safety perspective.<br><br>Main Roads WA suggests that the proponent review the route selection and reassess the intersection requirements before Main Roads WA finalises its position on the proposal. | Recommend that conditions and Advice Notes addressing all points made by Main Roads WA are incorporated into any amended Development Approval issued. |

**Applicant response to draft conditions**

Draft conditions were provided to the Applicant for review. On 14 October 2026, the Applicant advised that it was generally supportive of the proposed conditions, including the requirements for justification of the commuter route and preparation of a Journey Management Plan.

The Applicant confirmed that the project proponent accepts an alternative workforce commuter route avoiding Wilkins Road and travelling through Kondinin.

The Applicant requested that requirements relating to pre-construction and post-construction road-condition surveys, dust suppression, maintenance of unsealed roads, oversized and over-mass vehicle movements and operational-stage wind farm traffic not be duplicated through the workforce accommodation approval.

The Administration supports this request. Those matters principally relate to construction of the Kondinin Wind and Solar Farm and are already addressed through the separate development approval, Construction Management Plan, Traffic Management Plan, Operational Management Plan and associated road-reporting requirements applying to that development.

The recommended condition has therefore been confined to traffic generated by the workforce accommodation facility, principally light vehicles and buses travelling between the accommodation facility and the project site. The condition retains the requirements for an approved commuter route, assessment of relevant Brookton Highway intersections and preparation of a Journey Management Plan.

**RESOLUTION OCM/26/027**

Moved: Cr Paul Green

Seconded: Cr Darren Pool

That Council

1. APPROVES the application received on 4 September 2026 to amend the development approval granted by Council at its Ordinary Meeting held on 12 February 2025 for the Workforce Accommodation Facility at Lot 192 Hyden–Mt Walker Road, Hyden, to transition its use from accommodating the workforce associated with the King Rocks Wind Farm to accommodating the workforce associated with the Kondinin Wind and Solar Farm, as outlined in the Development Application Report dated September 2026 forming part of this amended approval, subject to the following amendments:

   a) Condition 4 is amended to read:

   This approval is valid until June 2030. Following expiry of the approval, occupation and use of the development must cease and all development works must be demolished, materials removed from the site and adjoining road reserve, and the land rehabilitated to its original state as broadacre farming land within two years of the cessation of the development, unless otherwise approved by the Local Government.

   b) Condition 6 is amended to read:

   Prior to occupation of the development by the workforce associated with the Kondinin Wind and Solar Farm, an amended Operational Management Plan must be submitted to and approved by the Local Government. Once approved, the Operational Management Plan must be implemented at all times to the satisfaction of the Local Government.

   c) Condition 9 is amended to read:

   Prior to occupation of the development by the workforce associated with the Kondinin Wind and Solar Farm, an amended Emergency Management Plan must be submitted to and approved by the Local Government. Once approved, the Emergency Management Plan must be implemented at all times to the satisfaction of the Local Government during the operation of the development.

   d) The following additional condition is imposed:

   Prior to occupation of the development by the workforce associated with the Kondinin Wind and Solar Farm, the Traffic Impact Statement dated August 2026 must be revised and submitted to the Local Government for approval, in consultation with Main Roads Western Australia. The revised Traffic Impact Statement must:

   i. identify and provide detailed justification for the proposed workforce commuter route, including consideration of sight distance, intersection geometry and any required turn treatment at intersections with Brookton Highway;

ii. not rely on the Brookton Highway and Wilkins Road intersection as the principal workforce commuter route unless further assessment demonstrates, to the satisfaction of the Local Government and Main Roads Western Australia, that the intersection can safely accommodate the proposed workforce traffic; and

iii. be supported by a Journey Management Plan addressing route compliance, driver fatigue, wildlife risk, minimum vehicle occupancy and bus transportation arrangements.

The approved commuter route and Journey Management Plan must be incorporated into the traffic-management section of the amended Operational Management Plan and implemented at all times to the satisfaction of the Local Government.

2. ADVISES the Applicant that this amended approval relates to the use of the workforce accommodation facility and the movement of workforce personnel between the facility and the Kondinin Wind and Solar Farm site. It does not replace, amend or limit any traffic, road-condition, road-maintenance, construction-management or oversized and over-mass vehicle obligations imposed through the separate development approval for the Kondinin Wind and Solar Farm.

3. ADVISES the Applicant that any damage to Shire roads attributable to traffic generated by the development may be addressed under applicable legislation, approval conditions or separate agreements.

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

Cr Green queried the status of ownership of the buildings at the workforce accommodation. Clarity was provided by Ms Hall and Ms Jones that BBB (Contractor) was the owner of the buildings on the site and that the same arrange was being transferred from Synergy to Foresight.

Cr Browning queries transport arrangements for the work force. Ms Hall stated that light vehicles would be utilised.

Cr Mouritz sought an update on the timeline of the project. Ms Hall stated that the plan remained in current until June 2030 and that Foresight would be required to apply for a further extension if required.

4.18pm - Ms Tory Young, Ms Jacqui Hall, Mr Milne and Ms Jones departed the meeting.

## 12.2.2 Request for Freehold of Portion of Reserve 49449 (Lot 300 on Deposited Plan 59344) Repacholi Parade, Kondinin

**FILE NUMBER:** DL.1 / DP.1

**DATE**: 8 October 2026

**AUTHOR:** Tory Young, Manager Planning & Assets

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

**ATTACHMENTS:**
1. Reserve 49449 - *Under Separate Cover*
2. Kondinin Townsite - *Under Separate Cover*

4.25pm Councillor Smeed declared a proximity interest in this matter. Her interest is that her private residence borders or is near to the land described within this report. (Teams muted).

**RECOMMENDATION**

That Council

1. ACCEPTS the offer from the Department of Planning, Lands and Heritage to transfer to the Shire of Kondinin, for a purchase price of $20,000 including GST, approximately 2,236m$^2$ of Lot 300 on Deposited Plan 59344, being the portion of Reserve 49449 proposed to be excised and transferred to the Shire in freehold;
2. APPROVES expenditure of up to $30,000 for the purchase and associated acquisition costs of the land, including an allowance for contingencies;
3. APPROVES the allocation of up to $30,000 from the additional 2026–27 General Purpose Financial Assistance Grant revenue to fund the purchase and associated acquisition costs;
4. NOTES that:
   a) The additional Financial Assistance Grant revenue and expenditure authorised by this resolution will be incorporated into the Shire's 2026–27 Annual Budget and formally reported to Council through the 2026–27 Budget Review; and
   b) Any portion of the approved $30,000 allocation not required to complete the acquisition and transfer will remain unallocated within the additional General Purpose Financial Assistance Grant revenue;
5. AUTHORISES the Chief Executive Officer to undertake all administrative, contractual and other actions necessary to complete the excision, acquisition and transfer of the land to the Shire in freehold; and
6. REQUIRES any material variation to the purchase price, land area, conditions of transfer or total acquisition cost exceeding $30,000 to be referred to Council for further consideration.

## SUMMARY

The purpose of this report is to return the proposed acquisition of approximately 2,236m$^2$ of Lot 300 on Deposited Plan 59344, Reserve 49449, Repacholi Parade, Kondinin, to Council for determination. The matter was presented to the Ordinary Meeting of Council held on 23 September 2026 and laid on the table pending further enquiries into whether an alternative funding source was available.

Those enquiries have confirmed that the Shire's 2026–27 Financial Assistance Grant allocation exceeds the amount included in the adopted Annual Budget by $144,881. It is proposed that up to $30,000 of the additional General Purpose Financial Assistance Grant revenue be allocated to the purchase and associated acquisition costs of the land. The proposed acquisition is intended to facilitate future residential development and assist the Shire in addressing the shortage of residential land and housing within Kondinin.

## VOTING REQUIREMENT

Absolute Majority

## COUNCIL'S ROLE

**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**BACKGROUND**

Under the Shire's Local Planning Scheme No. 1, the approximately 2,236m$^2$ portion of Lot 300 on Deposited Plan 59344 that is the subject of this report is zoned Residential R10/25. The remainder of the lot is designated as a Local Scheme Reserve for Public Open Space.

The whole of Reserve 49449 is currently subject to a management order in favour of the Shire for the purpose of recreation. Irrespective of its residential zoning, the current Crown land tenure and management purpose prevent the subject portion from being developed for residential purposes.

At its Ordinary Meeting held on 12 February 2025, Council considered the proposed excision and conversion to freehold of a portion of Reserve 49449 and resolved to:

1. *Support the surrender of the management order over the relevant portion of the reserve while retaining the management order over the remaining portion;*

2. *Approve the purchase of the excised portion following final approval; and*

3. *Authorise the Chief Executive Officer to submit a Crown Enquiry Form to the Department of Planning, Lands and Heritage*.

The approximately 2,236m$^2$ area has been identified as Stage 1 of a potential residential land development opportunity. The site was identified through the housing studies undertaken through RoeROC during 2024–25 and the draft Local Planning Strategy being prepared as part of the shared planning project for the RoeROC local governments.

The strategic planning work has also identified the remaining approximately 9,623m$^2$ portion of Reserve 49449 on the western and northern side of Repacholi Parade as a potential future Stage 2 residential development area.

In accordance with Council's resolution of 12 February 2025, Administration submitted a Crown Enquiry Form to the Department of Planning, Lands and Heritage seeking the excision and freehold transfer of the Stage 1 area.

On 21 August 2026, the Department advised the Shire that the purchase price for the approximately 2,236m$^2$ portion would be $20,000 including GST. The price is based on the current unimproved market value assessed by Landgate Valuation Services. The Department has requested that the Shire confirm acceptance of the offer by 10 November 2026.

The matter was presented to the Ordinary Meeting of Council held on 23 September 2026. Council resolved to lay the matter on the table pending the Chief Executive Officer undertaking further enquiries into an alternative source of funding for the proposed acquisition.

Following that meeting, Administration reviewed the Shire's confirmed 2026–27 Financial Assistance Grant allocation against the grant revenue included in the adopted Annual Budget.

The confirmed allocation exceeds the amount included in the adopted budget by $144,881, comprising:

- additional General Purpose Grant revenue of $105,822; and

- additional Local Roads Grant revenue of $39,059.

The Financial Assistance Grant program comprises a General Purpose component and an identified Local Roads component. Both components are untied in the hands of local government and may be

applied according to local priorities. The General Purpose component is considered the most appropriate source for this acquisition because the expenditure supports housing, residential development and broader community needs rather than road-related works.

The funding information requested by Council has therefore been obtained, and the matter is returned to Council for determination.

## FINANCIAL

The proposed land purchase and estimated acquisition costs include:

| Description | Amount |
|---|---|
| Purchase price, including GST | $20,000.00 |
| Transfer costs | $1,767.30 |
| Allowance for surveying, deposited plan preparation, registration, associated costs and contingencies | $8,232.70 |
| **Maximum proposed allocation** | **$30,000.00** |

The survey, deposited plan preparation and registration costs have not yet been confirmed. A maximum allocation of $30,000 is therefore proposed to provide sufficient capacity to meet the purchase price, known transfer costs and any reasonable surveying, registration, administrative or contingency costs required to complete the transaction.

Only the actual costs required to complete the acquisition and transfer will be expended. Any portion of the approved $30,000 allocation not required will remain unspent and unallocated within the additional General Purpose Financial Assistance Grant revenue.

The Shire's confirmed 2026–27 Financial Assistance Grant position is:

| Grant component | Total 2026–27 allocation | Advance paid June 2026 | Remaining 2026–27 payment | 2026–27 budget | Additional revenue |
|---|---|---|---|---|---|
| General Purpose Grant | $2,105,790 | $1,699,290 | $406,500 | $300,678 | $105,822 |
| Local Roads Grant | $1,124,076 | $980,339 | $143,737 | $104,678 | $39,059 |
| **Total** | **$3,229,866** | **$2,679,629** | **$550,237** | **$405,356** | **$144,881** |

## RISK

This proposal brings relatively low risk to the Shire. The land proposed to be purchased for freehold is already zoned for residential development and has constructed road frontage and access to utilities. Moreover, given the parcel of land has been identified in strategic documents prepared by the State government to be converted to freehold it is envisaged that this will assist to facilitate in any proposed amendments to the Shire's Local Planning Scheme to rezone the remainder of the proposed excised portion of the lot to residential in a separate second stage.

## POLICY

Nil

## STATUTORY

Land Administration Act 1997

Land Administration Regulations 1998

## STRATEGIC

**Theme**

4. CIVIC LEADERSHIP

**Goal**

4.2 We are a compliant and resourced Local Government

**Strategy**

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

## COMMENT

The proposed acquisition provides the Shire with an opportunity to secure land already zoned for residential purposes and progress a practical response to the shortage of residential land and housing in Kondinin.

Subject to final survey outcomes and appropriate servicing, the approximately 2,236m$^2$ Stage 1 area has the potential to accommodate four dwellings. In the longer term, the remaining portion of Reserve 49449 identified as Stage 2 may provide capacity for up to 20 additional residential lots, subject to tenure conversion, rezoning, subdivision, servicing and other relevant approvals.

Council previously laid the matter on the table to allow further investigation of an alternative funding source. That investigation has confirmed that sufficient additional General Purpose Financial Assistance Grant revenue is available to fund the proposed acquisition without drawing on the Housing Reserve.

The proposed maximum allocation of $30,000 provides an appropriate contingency for survey, registration and associated costs that have not yet been confirmed. The allocation represents a maximum expenditure limit rather than an amount that must be spent. Any funds not required to complete the transaction will remain unspent and available within the additional General Purpose Financial Assistance Grant revenue.

It is therefore recommended that Council accept the Department's offer, approve expenditure of up to $30,000 and authorise the Chief Executive Officer to complete the excision, acquisition and transfer of the land.

## CONSULTATION

The Council have been presented with the housing studies prepared through RoeROC and have reviewed and supported the Report of Review as a precursor to the preparation of the Local Planning Strategy and new Local Planning Scheme being prepared by the Department of Planning, Lands and Heritage.

**RESOLUTION OCM/26/028**

Moved: Cr Murray James

Seconded: Cr Darren Pool

That Council

1. ACCEPTS the offer from the Department of Planning, Lands and Heritage to transfer to the Shire of Kondinin, for a purchase price of $20,000 including GST, approximately 2,236m$^2$ of Lot 300 on Deposited Plan 59344, being the portion of Reserve 49449 proposed to be excised and transferred to the Shire in freehold;

2. APPROVES expenditure of up to $30,000 for the purchase and associated acquisition costs of the land, including an allowance for contingencies;

3. APPROVES the allocation of up to $30,000 from the additional 2026–27 General Purpose Financial Assistance Grant revenue to fund the purchase and associated acquisition costs;

4. NOTES that:

   a) The additional Financial Assistance Grant revenue and expenditure authorised by this resolution will be incorporated into the Shire's 2026–27 Annual Budget and formally reported to Council through the 2026–27 Budget Review; and

   b) Any portion of the approved $30,000 allocation not required to complete the acquisition and transfer will remain unallocated within the additional General Purpose Financial Assistance Grant revenue;

5. AUTHORISES the Chief Executive Officer to undertake all administrative, contractual and other actions necessary to complete the excision, acquisition and transfer of the land to the Shire in freehold; and

6. REQUIRES any material variation to the purchase price, land area, conditions of transfer or total acquisition cost exceeding $30,000 to be referred to Council for further consideration.

**CARRIED 6/0 BY ABSOLUTE MAJORITY**

| | |
|---|---|
| For: | Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool and Paul Green |
| Against: | Nil |
| Abstained: | Cr Toni Smeed |

4.26pm - Councillor Smeed unmuted and returned to the meeting.

## 12.2.3 Community Development Report

**FILE NUMBER:**

**DATE**: 14 October 2026

**AUTHOR:** Amanda Kemp, Community Development Officer

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

**ATTACHMENTS:** Nil

### UPDATE

The Draft Community Health and Wellbeing Plan is currently being circulated for internal review and editing. Following this process, it will be presented to Council for comment before being released to the broader community for feedback.

The Hyden Spring Markets were considered a success by both stallholders and attendees despite the rainy weather. Everyone enjoyed the opportunity to connect with community members and visitors alike. Thank you to the Wave Rock Weekender organisers for providing bus transport for their attendees; this was greatly appreciated. Bower Birds Second-hand Shop also appeared to enjoy a busy and successful morning.

Planning is well underway for the Kondinin Twilight Markets on 29 November, which are shaping up to be another fantastic community event on the local calendar.

The Kondinin Art Group and Shire Acquisition Prize 20-Year Celebration opening night and exhibition have been a great success. Congratulations to Mim Wells, winner of the Shire of Kondinin Acquisition Prize, for her outstanding artwork *Singing Honey Eater*. We can safely say that the administration staff are delighted to have this exceptional piece on display in the Shire office foyer for the next year.

It was wonderful to see several previous Acquisition Prize winners in attendance on opening night, along with many founding members of the Kondinin Art Group, including guest judge Robert McCaffrey, artist, former community member and art teacher. It was also pleasing to see the past Acquisition Prize artworks displayed together, showcasing the remarkable collection the Shire has been fortunate to acquire over the years. The diversity of styles highlights the unique influence each year's judge has brought to the selection process.

Nominations for the Community Citizenship Awards remain open until the end of October. Please encourage community members to nominate someone they believe is deserving of recognition. The awards provide a wonderful opportunity to acknowledge the many and varied contributions made by residents, from volunteering in emergency services to supporting sporting, recreational and community groups. Paper nomination forms are available from the Shire offices, CRCs and Post Offices for those who prefer not to use the online nomination process.

We are still awaiting advice on the outcome of our funding application for the Australia Day celebrations.

We are looking forward to the commencement of the pool season at the beginning of November. We welcome back Shaun, Ann and Mia to the Kondinin Aquatic Centre for another season and look forward to meeting the new Hyden Pool Manager provided by Contract Aquatic Services.

| |
|---|
| The report was duly noted by the Council |

## 12.3 WORKS

Nil

## 12.4 CHIEF EXECUTIVE OFFICER

### 12.4.1 Hyden Medical Clinic Arrangements - Amendment of Resolution OCM/26/070

**FILE NUMBER:**

**DATE**: 21 September 2026

**AUTHOR:** Bruce Wright, Chief Executive Officer

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

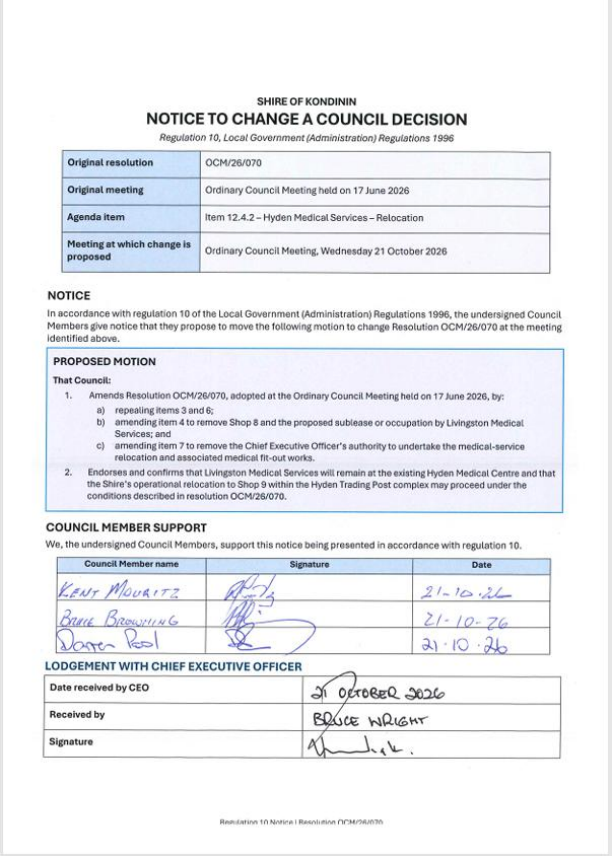
Authoriser - Nil

**ATTACHMENTS:** Nil

**RECOMMENDATION**

That Council:

1. Amends Resolution OCM/26/070, adopted at the Ordinary Council Meeting held on 17 June 2026, by:
   a) repealing items 3 and 6;
   b) amending item 4 to remove Shop 8 and the proposed sublease or occupation by Livingston Medical Services; and
   c) amending item 7 to remove the Chief Executive Officer's authority to undertake the medical-service relocation and associated medical fit-out works.
2. Endorses and confirms that Livingston Medical Services will remain at the existing Hyden Medical Centre and that the Shire's operational relocation to Shop 9 within the Hyden Trading Post complex may proceed under the conditions described in resolution OCM/26/070.



SHIRE OF KONDININ

**NOTICE TO CHANGE A COUNCIL DECISION**

*Regulation 10, Local Government (Administration) Regulations 1996*

| | |
|---|---|
| **Original resolution** | OCM/26/070 |
| **Original meeting** | Ordinary Council Meeting held on 17 June 2026 |
| **Agenda item** | Item 12.4.2 – Hyden Medical Services – Relocation |
| **Meeting at which change is proposed** | Ordinary Council Meeting, Wednesday 21 October 2026 |

**NOTICE**

In accordance with regulation 10 of the Local Government (Administration) Regulations 1996, the undersigned Council Members give notice that they propose to move the following motion to change Resolution OCM/26/070 at the meeting identified above.

**PROPOSED MOTION**

**That Council:**

1. Amends Resolution OCM/26/070, adopted at the Ordinary Council Meeting held on 17 June 2026, by:
   a) repealing items 3 and 6;
   b) amending item 4 to remove Shop 8 and the proposed sublease or occupation by Livingston Medical Services; and
   c) amending item 7 to remove the Chief Executive Officer's authority to undertake the medical-service relocation and associated medical fit-out works.
2. Endorses and confirms that Livingston Medical Services will remain at the existing Hyden Medical Centre and that the Shire's operational relocation to Shop 9 within the Hyden Trading Post complex may proceed under the conditions described in resolution OCM/26/070.

**COUNCIL MEMBER SUPPORT**

We, the undersigned Council Members, support this notice being presented in accordance with regulation 10.

| Council Member name | Signature | Date |
|---|---|---|
| KENT MOURITZ | | 21-10-26 |
| BRUCE BROWNING | | 21-10-26 |
| DOREEN POOL | | 21-10-26 |

**LODGEMENT WITH CHIEF EXECUTIVE OFFICER**

| | |
|---|---|
| **Date received by CEO** | 21 OCTOBER 2026 |
| **Received by** | BRUCE WRIGHT |
| **Signature** | |

Regulation 10 Notice | Resolution OCM/26/070

## SUMMARY

Council is requested to amend Resolution OCM/26/070 to discontinue the proposed relocation of Livingston Medical Services from the existing Hyden Medical Centre to Shop 8 within the Hyden Trading Post.

The recommendation follows further consultation with the community, the medical practitioner, nursing staff and the Hyden Medical Centre Committee. This consultation identified significant clinical and operational disadvantages associated with relocating the medical practitioner away from the existing medical facility.

The medical service should remain at the Hyden Medical Centre. The proposed relocation of Shire operations to Shop 9 may proceed separately.

## VOTING REQUIREMENT

Absolute Majority

## COUNCIL'S ROLE

### Executive

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**BACKGROUND**

At its Ordinary Council Meeting held on 17 June 2026, Council considered Item 12.4.2, Hyden Medical Services – Relocation, and adopted the following decision:

*Resolution OCM/26/070*

*That Council:*

1. *Notes the meeting minutes of the Medical & Community Services Committee convened on 20 May 2026.*
2. *In concert with Medical & Community Services Committee resolution number MCSC/26/005, resolves that Council:*
3. *Approves the relocation of Livingston Medical Services from the Hyden Medical Centre to Shop 8 within the Hyden Trading Post complex.*
4. *Approves the Shire entering into lease arrangements for: Shop 8, subleased or occupied by Livingston Medical Services, and Shop 9 for Shire operational use, including library, tourism and community services.*
5. *Notes that the proposed rental arrangement is cost neutral, with combined rental costs equivalent to the current expenditure for the Hyden Medical Centre and library premises.*
6. *Approves the allocation of $20,000 in the 2026–2027 Budget to undertake minor refurbishments to Shop 8.*
7. *Authorises the Chief Executive Officer to finalise and execute lease agreements and any associated documentation, and to undertake any minor fit-out or transition works required to facilitate the relocation.*

The resolution was carried unanimously, seven votes to nil.

The original proposal was developed in response to acoustic privacy concerns at the existing medical centre, limited space and the opportunity to consolidate medical, library, tourism and community services within the Trading Post precinct.

The original consultation identified in the Council report was limited to the Trading Post proprietor and Administration staff. The medical practitioner, nursing staff, Hyden Medical Centre Committee and broader community were not consulted before Council made its decision. The operator, Livingston Medical was consulted and supported the relocation.

Following the Council decision and at the request of community members, further consultation was undertaken and additional information was received about the practical operation of medical services from the existing centre.

Further consultation has established that relocating the medical practitioner from the existing Hyden Medical Centre would create significant clinical and operational difficulties that outweigh the anticipated benefits of relocation.

The existing medical centre supports an integrated relationship between the visiting medical practitioner and nursing service. It enables the practitioner and nursing staff to communicate directly, provide clinical assistance and coordinate patient care from the same facility.

The existing centre also provides access to:

- pathology and blood-collection services associated with medical consultations;

- established telecommunications and telehealth systems;
- facilities and systems supporting additional remote clinical interventions;
- medical equipment already installed or provided for use at the centre;
- nursing assistance and related clinical infrastructure; and
- established patient and clinical workflows.

These services and operational arrangements could not be replicated adequately at Shop 8 without further expenditure, additional systems and the physical separation of the medical practitioner from the nursing service.

The Hyden Medical Centre Committee has advised that equipment provided by the Committee for use at the existing medical centre would not be permitted to relocate to the Trading Post. Relocation would therefore result in the medical practitioner losing access to equipment and supporting infrastructure currently available at the centre.

Community feedback has also raised concerns regarding:

- separation of the doctor and nursing services;
- the suitability of Shop 8 for clinical services;
- pathology and specimen-collection arrangements;
- patient access to suitable toilets and amenities;
- the effectiveness and availability of telecommunications and telehealth systems;
- patient privacy within the proposed premises;
- expenditure on adapting privately owned premises; and
- the adequacy of consultation before the original decision.

Although the June report sought to address privacy concerns, relocating the medical practitioner would create more substantial service-delivery risks. Privacy concerns at the existing centre should instead be addressed through targeted acoustic treatment and appropriate operational arrangements.

Importantly, the reasons for relocating the Shire's Hyden operations are separate from the medical-service considerations. The relocation of Shire operational services, including library, tourism and community functions, to Shop 9 may proceed independently.

The recommended outcome is therefore to:

1. retain Livingston Medical Services at the existing Hyden Medical Centre;
2. discontinue the lease and fit-out proposal for Shop 8;
3. remove the approved $20,000 Shop 8 medical fit-out allocation; and
4. allow the Shire's operational relocation to Shop 9 to continue.

## FINANCIAL

The approved allocation of $20,000 for minor refurbishment of Shop 8 for medical purposes would no longer be required.

Any minor works proposed to improve acoustic privacy at the existing medical centre should be assessed separately and undertaken within an existing approved budget or presented to Council where an additional budget allocation is required.

The financial and lease arrangements relating to Shop 9 and the relocation of Shire operational services will be progressed separately.

The original conclusion that the combined arrangement was cost-neutral will require review because the Shire will no longer lease Shop 8 for the medical service and will continue to incur the existing costs associated with the Hyden Medical Centre. (Pending further advocacy to WACHS following a change in their leadership)

## RISK

The risks associated with the relocation of medical services are outlined within the body of the report.

## POLICY

Nil

## STATUTORY

Resolution OCM/26/070 is an existing decision of Council. The officer recommendation would revoke, or make substantially different, several operative parts of that decision, and regulation 10 of the Local Government (Administration) Regulations 1996 therefore applies (regulation 10(3)).

Under regulation 10, a motion to revoke or change the decision must be supported by at least one-third of the number of offices of members of Council, whether vacant or not, inclusive of the mover, or by an absolute majority if an attempt to revoke or change the decision was made within the previous three months but failed (regulation 10(1)). Notice of such a motion is to be signed by members numbering at least one-third of the number of offices (regulation 10(1a)). The decision to revoke or change must be made by an absolute majority (regulation 10(2)).

## STRATEGIC

**Theme**

4. CIVIC LEADERSHIP

**Goal**

4.1 Skilled, capable and transparent team

**Strategy**

4.1.2 We are inclusive and our communities feel heard

## COMMENT

The additional information obtained after Council adopted Resolution OCM/26/070 materially changes the assessment of the proposed relocation.

The existing Hyden Medical Centre provides integrated access to the medical practitioner, nursing services, pathology collection, telehealth systems and supporting medical equipment. These arrangements cannot be replicated adequately at Shop 8 without additional cost, operational disruption and reduced coordination between health practitioners.

It is in the best interests of the community and the continued delivery of medical services that Livingston Medical Services remain at the existing centre.

The relocation of Shire operational services to Shop 9 is not dependent upon relocating the medical practitioner and may proceed separately.

**CONSULTATION**

The following consultation has occurred since Resolution OCM/26/070 was adopted:

- the medical practitioner providing services from the Hyden Medical Centre;
- nursing staff at the existing Hyden Medical Centre;
- the Hyden Medical Centre Committee;
- the Hyden CWA Branch;
- local community members;
- users of the Hyden medical service; and
- Shire Administration.

The consultation identified a strong operational and community basis for retaining the medical practitioner at the existing centre.

**RESOLUTION OCM/26/029**

Moved: Cr Kent Mouritz

Seconded: Cr Bruce Browning

That Council:

1. Amends Resolution OCM/26/070, adopted at the Ordinary Council Meeting held on 17 June 2026, by:
   a) repealing items 3 and 6;
   b) amending item 4 to remove Shop 8 and the proposed sublease or occupation by Livingston Medical Services; and
   c) amending item 7 to remove the Chief Executive Officer's authority to undertake the medical-service relocation and associated medical fit-out works.
2. Endorses and confirms that Livingston Medical Services will remain at the existing Hyden Medical Centre and that the Shire's operational relocation to Shop 9 within the Hyden Trading Post complex may proceed under the conditions described in resolution OCM/26/070.

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

## 12.4.2 2026–27 Regional Extended Retail Trading Package

**FILE NUMBER:**

**DATE**: 5 October 2026

**AUTHOR:** Bruce Wright, Chief Executive Officer

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

**ATTACHMENTS:**
1. 2026-2027 Regional Extended Trading Package - *Under Separate Cover*

### RECOMMENDATION

That Council:

1. Accepts the 2026–27 Regional Extended Trading Package offered by the Minister for Commerce, providing extended trading hours for general retail shops within the Shire of Kondinin during the 2026 Christmas period and on the specified public holidays in 2027, as detailed in the attachment;
2. Notes that participation in the extended trading hours is voluntary and that each retailer may determine whether to open during any of the additional hours;
3. Authorises the Chief Executive Officer to notify the Department of Local Government, Industry Regulation and Safety, Consumer Protection Division, of Council's acceptance of the package; and
4. Authorises the Chief Executive Officer to undertake any associated administrative actions and public communications necessary to implement and promote the approved extended trading arrangements.

### SUMMARY

The Minister for Commerce has offered regional local governments the opportunity to adopt extended trading hours for general retail shops during the 2026 Christmas period and on specified public holidays in 2027.

Acceptance of the package would permit general retail shops within the Shire of Kondinin to trade during the additional hours detailed in the attached package. It would not require any retailer to open, with participation remaining entirely at the discretion of each business.

This report seeks Council endorsement and acceptance of the extended trading hours package.

### VOTING REQUIREMENT

Simple Majority

### COUNCIL'S ROLE

**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

## BACKGROUND

On 22 September 2026, the Hon. Dr Tony Buti MLA, Minister for Commerce, approved extensions to the trading hours applying to general retail shops in the Perth metropolitan area over the 2026 Christmas period and for specified public holidays during 2027.

The Minister has offered regional local governments the opportunity to accept a corresponding package of extended trading hours for general retail shops within their districts.

Acceptance of the package requires written notification to the Department of Local Government, Industry Regulation and Safety, Consumer Protection Division. The Department's correspondence requests that local governments provide their decision by "Wednesday 22 October 2026". However, 22 October 2026 falls on a Thursday. It is therefore proposed that the Shire notify the Department as soon as practicable following Council's decision and no later than 22 October 2026.

If Council prefers alternative trading arrangements, the Shire may submit a separate application to the Minister. Such an application must be lodged at least three weeks before the proposed commencement of the alternative arrangements to allow sufficient time for consideration and publication in the Government Gazette.

With Council endorsement of the package, general retail shops within the Shire of Kondinin will be permitted to trade during the following additional hours:

December 2026

| Period | Permitted trading hours |
|---|---|
| Saturday 5 December to Sunday 6 December | 8.00am to 6.00pm |
| Monday 7 December to Friday 11 December | 8.00am to 9.00pm |
| Saturday 12 December to Sunday 13 December | 8.00am to 6.00pm |
| Monday 14 December to Thursday 24 December, weekdays | 7.00am to 9.00pm |
| Saturday 19 and Sunday 20 December | 8.00am to 6.00pm |
| Friday 25 December, Christmas Day | Closed |
| Saturday 26 December, Boxing Day | 8.00am to 6.00pm |
| Sunday 27 December | 8.00am to 6.00pm |
| Monday 28 December, Boxing Day public holiday | 8.00am to 6.00pm |
| Tuesday 29 to Thursday 31 December | 8.00am to 9.00pm |

Public Holidays 2027

| Public holiday | Date | Permitted trading hours |
|---|---|---|
| New Year's Day | 1 January 2027 | 8.00am to 6.00pm |
| Australia Day | 26 January 2027 | 8.00am to 6.00pm |
| Labour Day | 1 March 2027 | 8.00am to 6.00pm |
| Easter Monday | 29 March 2027 | 8.00am to 6.00pm |
| ANZAC Day public holiday | 26 April 2027 | 8.00am to 6.00pm |
| Western Australia Day | 7 June 2027 | 8.00am to 6.00pm |
| King's Birthday | 27 September 2027 | 8.00am to 6.00pm |

## FINANCIAL

There are no material financial implications for the Shire arising from acceptance of the package.

## RISK

The principal risk is that extended trading hours may have limited uptake due to staffing constraints, operating costs or insufficient customer demand. This risk rests primarily with individual retailers, as they are not required to open during the additional hours.

## POLICY

There are no direct policy implications arising from the recommendation.

## STATUTORY

The regulation of retail trading hours in Western Australia is principally governed by the Retail Trading Hours Act 1987. Section 12E of the Act provides for the variation of trading hours applicable to general retail shops.

## STRATEGIC

**Theme**

4. CIVIC LEADERSHIP

**Goal**

4.1 Skilled, capable and transparent team

**Strategy**

4.1.6 We celebrate our community successes

4.1.2 We are inclusive and our communities feel heard

## COMMENT

The proposed package provides general retail shops within the Shire with greater flexibility to trade during the Christmas period and on specified public holidays.

Acceptance of the package does not require an individual retailer to open during the extended hours. The decision whether to trade remains at the discretion of each retailer. The package therefore provides an opportunity rather than imposing an obligation.

## CONSULTATION

Nil

**RESOLUTION OCM/26/030**

Moved: Cr Paul Green

Seconded: Cr Murray James

That Council:

1. Accepts the 2026–27 Regional Extended Trading Package offered by the Minister for Commerce, providing extended trading hours for general retail shops within the Shire of Kondinin during the 2026 Christmas period and on the specified public holidays in 2027, as detailed in the attachment;
2. Notes that participation in the extended trading hours is voluntary and that each retailer may determine whether to open during any of the additional hours;
3. Authorises the Chief Executive Officer to notify the Department of Local Government, Industry Regulation and Safety, Consumer Protection Division, of Council's acceptance of the package; and
4. Authorises the Chief Executive Officer to undertake any associated administrative actions and public communications necessary to implement and promote the approved extended trading arrangements.

| | |
|---|---|
| | **CARRIED 7/0** |
| For: | Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green |
| Against: | Nil |

Cr Pool noted that he agreed with the recommendation but was disappointed that extended hours allowed the sale of illegal tobacco for additional hours.

## 12.4.3 Office Closure: 2026–2027 Festive Season

**FILE NUMBER:**

**DATE**: 7 October 2026

**AUTHOR:** Bruce Wright, Chief Executive Officer

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

**ATTACHMENTS:** Nil

### RECOMMENDATION

That Council:

1. Approves the closure of the Shire's administration offices from Monday, 21 December 2026 to Friday, 1 January 2027 inclusive, with the offices reopening to the public on Monday, 4 January 2027.
2. Authorises the Chief Executive Officer to make appropriate arrangements for essential and emergency services to continue during the closure period.
3. Requests that the closure be advertised through the Shire's website, social media platforms, public noticeboards and other appropriate communication channels.

### SUMMARY

Council approval is sought to close the Shire's administration offices over the 2026–2027 festive season.

The proposed closure will commence on Monday, 21 December 2026, following the close of business on Friday, 18 December 2026. The offices will reopen to the public on Monday, 4 January 2027.

### VOTING REQUIREMENT

Simple Majority

### COUNCIL'S ROLE

**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

## BACKGROUND

The proposed closure incorporates the Christmas and New Year public holidays and provides employees with an extended break over the festive season.

The applicable Western Australian public holidays include:

| Public holiday | Day and date |
|---|---|
| Christmas Day | Friday, 25 December 2026 |
| Boxing Day | Saturday, 26 December 2026 |
| Additional Boxing Day public holiday | Monday, 28 December 2026 |
| New Year's Day | Friday, 1 January 2027 |

As Boxing Day falls on a Saturday in 2026, Monday, 28 December 2026 is an additional public holiday.

Staff will be required to use accrued annual leave, rostered days off, time in lieu or other approved leave arrangements for the ordinary working days occurring during the closure period. Suitable arrangements will be maintained for essential services and after-hours emergencies.

## FINANCIAL

Nil

## RISK

Nil

## POLICY

Nil

## STATUTORY

Nil

## STRATEGIC

**Theme**

4. CIVIC LEADERSHIP

**Goal**

4.1 Skilled, capable and transparent team

**Strategy**

4.1.5 The capability of our organisation is continually improved

## COMMENT

The proposed closure provides an appropriate opportunity for employees to take leave during a traditionally quieter operational period while ensuring that essential and emergency services remain available.

## CONSULTATION

Nil

**RESOLUTION OCM/26/031**

Moved: Cr Toni Smeed

Seconded: Cr Murray James

That Council:

1. Approves the closure of the Shire's administration offices from Monday, 21 December 2026 to Friday, 1 January 2027 inclusive, with the offices reopening to the public on Monday, 4 January 2027.
2. Authorises the Chief Executive Officer to make appropriate arrangements for essential and emergency services to continue during the closure period.
3. Requests that the closure be advertised through the Shire's website, social media platforms, public noticeboards and other appropriate communication channels.

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

## 12.4.4 Establishment of the Shire of Kondinin Bush Fire Advisory Committee

**FILE NUMBER:**

**DATE**: 12 October 2026

**AUTHOR:** Bruce Wright, Chief Executive Officer

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

**ATTACHMENTS:**

1. Shire of Kondinin - Bush Fire Advisory Committee - Terms of Reference - *Under Separate Cover*

**RECOMMENDATION**

That Council:

1. Establishes the Shire of Kondinin Bush Fire Advisory Committee under section 67(1) of the Bush Fires Act 1954;

2. Adopts the Shire of Kondinin Bush Fire Advisory Committee Terms of Reference (Attached) as rules for the guidance of the Committee under section 67(3)(a) of the Bush Fires Act 1954;

3. Nominates and appoints Cr _____ as the Council member of the Committee under section 67(2) of the Bush Fires Act 1954, until the next ordinary local government election day;

4. Appoints Cr _____ as deputy to the Council member, to act only when the Council member is absent or unable to act, until the next ordinary local government election day;

5. Appoints as members of the Committee:

    a) the person who from time to time holds, acts in or lawfully performs the functions of the office of Chief Bush Fire Control Officer, currently Mr Neil Whyte; and

    b) the person who from time to time holds, acts in or lawfully performs the functions of the office of Deputy Chief Bush Fire Control Officer, currently Mr Tom Mulcahy;

6. Appoints the brigade representatives and deputies listed in Schedule 1 of the Terms of Reference, noting that:

    a) the Chief Bush Fire Control Officer's role as Kondinin Brigade East representative is one combined membership with one vote, counted once for quorum;

    b) a deputy may act only for their named position, and only when that member is absent, unable to act, or has withdrawn because of an interest;

    c) Mr Geoff Whyte is deputy for the Kondinin Brigade East capacity only; and

d) the appointment of Mr Jeremy James as deputy for Hyden Brigade North is subject to the Chief Executive Officer receiving written confirmation of his brigade nomination and his acceptance by 1 November 2026;

7. Fixes the quorum of the Committee at seven voting members under section 67(3), and, as a rule under section 67(3)(a), requires that no business be transacted unless the Council member or their deputy is present;

8. Notes that the Chief Executive Officer, or nominee, attends as the Committee's principal adviser and is not a member;

9. Notes that the Committee must elect its chair from among its members under section 67(2), is advisory only with no delegated authority, and is answerable to Council under section 67(4)(c); and

10. Authorises the Chief Executive Officer to make administrative amendments to the Terms of Reference in accordance with clause 26.3.

## SUMMARY

## VOTING REQUIREMENT

Simple Majority

## COUNCIL'S ROLE

**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

## BACKGROUND

The Shire's bush fire brigades and fire control officers perform an essential role in protecting life, property, agricultural production, community assets and the natural environment across the district.

The Shire conducted a Bush Fire Brigade Annual General Meeting on 29 July 2026 and separately appointed its fire control officers for the 2026/2027 bush fire season. The establishment of a formal Bush Fire Advisory Committee provides a structured mechanism through which brigade representatives, fire control officers and Council can consider district-wide bush fire matters and make coordinated recommendations to Council.

The proposed Committee membership includes:

a) one Council Member (and proxy) nominated by Council;

b) the Chief Bush Fire Control Officer;

c) the Deputy Chief Bush Fire Control Officer;

d) representatives from the Shire's bush fire brigades; and

e) a nominated proxy for each brigade representative, where available.

The use of brigades, representatives and proxies reflects the geographic size of the district and recognises that operational and seasonal commitments may prevent a representative from attending every meeting.

## FINANCIAL

Establishment of the Committee does not commit Council to additional expenditure.

## RISK

The overall risk is assessed as low. Establishing the Committee with clearly defined membership, proxy arrangements, quorum and Terms of Reference will strengthen governance, brigade coordination and district-wide bush fire planning. Any financial or policy recommendations will remain subject to Council approval, while the Committee will operate in an advisory capacity without delegated decision-making or expenditure authority.

## POLICY

The proposed Terms of Reference will provide the governance framework for the Committee and should be read together with:

- the Shire's Bush Fire Brigades Local Law;
- relevant bush fire policies and operating procedures;
- the Shire's meeting procedures;
- applicable codes of conduct; and
- the Shire's records-management requirements.

If there is an inconsistency between the Terms of Reference and applicable legislation, the legislation will prevail.

## STATUTORY

Bush Fires Act 1954

Local Government Act 1995

## STRATEGIC

**Theme**

1. COMMUNITY

**Goal**

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

**Strategy**

1.6.3 Resourced bush fire brigades and support to meet compliance and encourage participation

## COMMENT

The establishment of a formal Bush Fire Advisory Committee will provide Council with a structured and representative forum for bush fire planning, brigade coordination and operational advice.

The proposed membership reflects the Shire's brigade structure and provides continuity through the appointment of named proxies. Adoption of the Terms of Reference will ensure that the Committee's advisory role, membership, voting arrangements, quorum, reporting obligations and relationship with Council are clearly defined.

**CONSULTATION**

The proposed membership has been developed from nominations provided through the Shire's bush fire brigade network and relevant fire control arrangements.

The following persons and groups have been or will be consulted as part of establishing the Committee:

a) Chief Bush Fire Control Officer;

b) Deputy Chief Bush Fire Control Officer;

c) Shire bush fire brigades;

d) nominated brigade representatives and proxies;

e) Council Members; and

f) relevant Shire officers.

Relevant representatives from the Department of Fire and Emergency Services, neighbouring local governments and other agencies may be invited to attend meetings in an advisory, non-voting capacity where their expertise is required.

**RESOLUTION OCM/26/032**

Moved: Cr Paul Green

Seconded: Cr Beverley Gangell

That Council:

1. Establishes the Shire of Kondinin Bush Fire Advisory Committee under section 67(1) of the Bush Fires Act 1954;

2. Adopts the Shire of Kondinin Bush Fire Advisory Committee Terms of Reference (Attached) as rules for the guidance of the Committee under section 67(3)(a) of the Bush Fires Act 1954;

3. Nominates and appoints Cr Bruce Browning as the Council member of the Committee under section 67(2) of the Bush Fires Act 1954, until the next ordinary local government election day;

4. Appoints Cr Murray James as deputy to the Council member, to act only when the Council member is absent or unable to act, until the next ordinary local government election day;

5. Appoints as members of the Committee:

    a) the person who from time to time holds, acts in or lawfully performs the functions of the office of Chief Bush Fire Control Officer, currently Mr Neil Whyte; and

    b) the person who from time to time holds, acts in or lawfully performs the functions of the office of Deputy Chief Bush Fire Control Officer, currently Mr Tom Mulcahy;

6. Appoints the brigade representatives and deputies listed in Schedule 1 of the Terms of Reference, noting that:

    a) the Chief Bush Fire Control Officer's role as Kondinin Brigade East representative is

one combined membership with one vote, counted once for quorum;

b) a deputy may act only for their named position, and only when that member is absent, unable to act, or has withdrawn because of an interest;

c) Mr Geoff Whyte is deputy for the Kondinin Brigade East capacity only; and

d) the appointment of Mr Lachie Mouritz as deputy for Hyden Brigade North is subject to the Chief Executive Officer receiving written confirmation of his brigade nomination and his acceptance by 1 November 2026;

7. Fixes the quorum of the Committee at seven voting members under section 67(3), and, as a rule under section 67(3)(a), requires that no business be transacted unless the Council member or their deputy is present;

8. Notes that the Chief Executive Officer, or nominee, attends as the Committee's principal adviser and is not a member;

9. Notes that the Committee must elect its chair from among its members under section 67(2), is advisory only with no delegated authority, and is answerable to Council under section 67(4)(c); and

10. Authorises the Chief Executive Officer to make administrative amendments to the Terms of Reference in accordance with clause 26.3.

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

## 12.4.5 Local Government Amendment and Repeal Bill 2026 - Proposed Removal of the Dadour Poll Provisions

**FILE NUMBER:**

**DATE**: 14 October 2026

**AUTHOR:** Bruce Wright, Chief Executive Officer

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - The author has no financial or proximity interest in this matter. In the interest of transparency, the author notes that any future amalgamation could affect the employment of Shire employees, including the author.

Authoriser - The authoriser has no financial or proximity interest in this matter. In the interest of transparency, the authoriser notes that any future amalgamation could affect the employment of Shire employees, including the author.

**ATTACHMENTS:**

1. Local Government Amendment and Repeal Bill 2026 - Extract - *Under Separate Cover*
2. Local Government Amendment and Repeal Bill 2026 - Comparative Chart - *Under Separate Cover*
3. WALGA Eastern Zone - Agenda Item - Draft - *Under Separate Cover*

**RECOMMENDATION**

That Council:

1. Opposes clauses 130 and 131 of the Local Government Amendment and Repeal Bill 2026, which would delete Schedule 2.1 clauses 7, 8 and 9 of the Local Government Act 1995 (the elector poll provisions commonly known as the Dadour provisions) and clause 10(2), which requires the Minister to reject a recommendation opposed at a poll;
2. Notes that, if the Bill is passed in its current form:
   a) the Minister will retain the power under Schedule 2.1 clause 2(1)(a) to make a proposal to the Local Government Advisory Board, including a proposal to amalgamate or abolish districts;
   b) affected electors will no longer have any statutory means of requiring a poll, or of producing a result that binds the Minister, on a proposed amalgamation; and
   c) the long-term financial viability of local governments and the effective delivery of local government services will become the Advisory Board's paramount consideration in a formal inquiry;
3. Requests that the State Government amends the Bill to:
   a) retain a binding poll of affected electors on any amalgamation proposal, unless each affected local government has resolved by absolute majority to support the proposal; and,
   b) require the Advisory Board, where a proposal is not supported by every affected local government, to consider whether the financial or service delivery concerns identified could reasonably be addressed by less intrusive means, such as shared services,

regional subsidiaries or resource sharing.

4. Requests the Shire's delegates to the WALGA Great Eastern Country Zone submit the motion (attached) to the next Zone meeting, seeking Zone and WALGA State Council support for this position;
5. Endorses and supports the Shire President and Chief Executive Officer to make submissions and representations consistent with this resolution to the Minister for Local Government, the Shadow Minister for Local Government, local Members of Parliament, Members of the Legislative Council, WALGA, RoeROC member councils and any parliamentary committee inquiring into the Bill; and
6. Notes that this position is based on the Bill as introduced and requests the Chief Executive Officer to report to Council if the Bill is materially amended.

## IMPORTANT NOTE

This report is based on the Local Government Amendment and Repeal Bill 2026 as introduced into Parliament on 14 October 2026.

It has been prepared using the information publicly available at the time of writing, including the Bill as introduced and the current text of the Local Government Act 1995.

The Bill has not passed and may be amended during its passage through Parliament, which could significantly change the matters discussed in this report.

The report is provided to inform Council's advocacy position and is not legal advice. Should a proposal affecting the Shire be made, the Shire would obtain legal advice at that time.

## SUMMARY

The Local Government Amendment and Repeal Bill 2026 was introduced into Parliament on 14 October 2026.

Part 4 of the Bill would remove the Dadour provisions, which allow affected electors to require a binding poll on a proposed amalgamation. It would also make long-term financial viability and effective service delivery the paramount consideration in any Local Government Advisory Board inquiry. The Bill does not change the Minister's power to make an amalgamation proposal.

This report recommends that Council oppose the removal of the binding poll, seek targeted amendments to the Bill, and pursue that position through the WALGA Great Eastern Country Zone and direct representations while the Bill is before Parliament.

## VOTING REQUIREMENT

Simple Majority

## COUNCIL'S ROLE

### Advocacy

When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

## BACKGROUND

The Dadour provisions

The Dadour provisions are named after Dr Tom Dadour AM (1925–2011), a City of Subiaco councillor and later Member for Subiaco in the Legislative Assembly, who championed a 1975 amendment giving

ratepayers the right to demand a poll on local government boundary changes. Their current form is found in Schedule 2.1 of the Local Government Act 1995.

Where the Local Government Advisory Board recommends that two or more districts be abolished and amalgamated, the affected electors must be told of their right to request a poll. If, within one month, the Minister receives a request signed by at least 250 electors, or at least 10 per cent of the electors, of one of the districts, the Minister must require a poll of that district (clause 8). If at least 50 per cent of that district's electors vote and a majority vote against the recommendation, the Minister must reject it (clause 10(2)). The Minister may also require a poll on any Board recommendation (clause 7). The elector right to demand a poll applies only to amalgamations, not to other boundary changes.

The provisions were used in February 2015, when polls were held in the Cities of Cockburn, Kwinana and South Perth and the Towns of East Fremantle and Victoria Park during the metropolitan local government reform program announced in 2013. The proposed amalgamations involving those local governments did not proceed.

The Bill

On 14 October 2026 the Minister for Local Government, Hon Hannah Beazley MLA, introduced the Local Government Amendment and Repeal Bill 2026 into Parliament. The Government has stated that removing the Dadour provisions is intended to facilitate voluntary amalgamations (despite no specific reference to this within the Bill). The Bill has not passed either House and its provisions are not law.

Part 4 of the Bill makes three changes to Schedule 2.1. Clause 129 replaces clause 5(2) and inserts a new clause 5(3). The Board's paramount consideration in a formal inquiry would become the long-term financial viability of local governments and the effective delivery of local government services. Community interests, physical and topographic features, demographic trends, economic factors, planning and development, the history of the area, and transport and communication would be considered "to the extent relevant" and "without limiting the paramount consideration". At present, these matters, together with viability and service delivery, are listed without any order of priority. A paramount consideration is ordinarily the one given the greatest weight where considerations conflict.

Clause 130 deletes clauses 7 to 9, removing both the elector-requested poll and the Minister's discretionary poll. Clause 131 deletes clause 10(2), so the Minister would no longer be bound by a poll result. A comparison is provided at Attachment 1 and an extract of the Bill at Attachment 3.

Part 4 commences on a day fixed by proclamation. Under the transitional provisions, a proposal made before then continues to be dealt with under the current provisions, including the provisions for polls.

The Minister's role

The Bill does not amend clauses 2, 3, 4 or 6 of Schedule 2.1. Under clause 2(1)(a), the Minister may make a proposal to the Advisory Board, including a proposal to amalgamate or abolish districts. The Government's description of the reforms as supporting voluntary amalgamation is a statement of policy. The Bill itself does not limit its effect to proposals supported by the affected local governments.

Where the Board holds a formal inquiry, it must give notice to the affected local governments and electors, provide a report to the Minister, and advise that submissions may be made within six weeks (clause 4). The inquiry must be conducted in a way that makes it as easy as possible for interested parties to participate fully (clause 5(1)). The Act neither confers a specific right on the Minister to make a submission nor excludes the Minister from doing so. Following the inquiry, the Board makes its recommendation to the Minister, who may accept or reject it (clause 10(1)). The Governor may make an order only on the Minister's recommendation, and the Minister may only recommend an order that the Board has recommended (section 2.1).

If the Bill is passed unamended, the Minister could make a proposal, provide information to the inquiry and make the final decision on the Board's recommendation, with the inquiry directed primarily to financial viability and service delivery. An amalgamation could therefore proceed despite

formal opposition from an affected local government and a majority of its electors. Electors would keep the right to make submissions but would have no means of producing a binding result. The process would retain community participation but remove community determination.

Implications for the Shire of Kondinin

The Shire serves the communities of Kondinin, Hyden and Karlgarin across a large rural district. Measures of long-term financial viability tend to favour larger local governments with larger rate bases, regardless of how effectively smaller local governments serve their communities. Under the proposed paramount consideration, any inquiry involving a rural district would be weighted toward those measures, while community of interest and the history of the area would become secondary.

An amalgamation could reduce the number of elected members representing each community, move services and decision-making further from residents, affect local employment, and change how rates, reserves and locally owned assets are used. Without the poll, the community would have no binding means of preventing that outcome.

This report does not relate to any specific proposal. It concerns the Shire's position on legislation now before Parliament. The Shire does not oppose ***voluntary*** structural reform that has the support of the affected communities and already works with neighbouring local governments through RoeROC on shared services.

The recommended amendments are designed to be consistent with the Government's stated aim. Where every affected local government has resolved by absolute majority to support an amalgamation, it could proceed without a poll. Where a proposal does not have that support, the binding poll would remain, and the Board would be required to consider whether less intrusive options, such as shared services, regional subsidiaries or resource sharing, could address the concerns identified before amalgamation is recommended.

## FINANCIAL

There are no budget implications beyond minor administrative costs, met from the existing operating budget, in preparing the Zone motion and submissions. Any future amalgamation proposal could have significant financial implications for the Shire and its community.

## RISK

| Risk | Consequence | Rating |
|---|---|---|
| Loss of community determination | Electors would have no binding vote on any future amalgamation proposal affecting the Shire. | High |
| Assessment weighted to financial measures | A proposal affecting the Shire would be assessed primarily against long-term financial viability measures that tend to favour larger local governments. | Medium |
| Reduced local representation | A larger district may mean fewer elected members representing Kondinin, Hyden and Karlgarin. | Medium |
| Financial and asset | Amalgamation could affect rates, reserves, assets, liabilities and infrastructure priorities. | Medium |
| Legislative timing | The Bill is before Parliament. Delay in adopting and communicating a position reduces the Shire's ability to influence debate and amendments. | High |
| Reputational | Advocacy on legislation is a legitimate role for Council. The risk is managed by confining representations to the terms of the resolution and stating the effect of the Bill accurately. | Low |

## POLICY

There are no direct implications for existing Shire policies. If adopted, the resolution establishes Council's formal advocacy position on the Bill. Representations made under recommendation 5 are to be consistent with that position.

## STATUTORY

Local Government Act 1995 section 2.1(1) and (3): the Governor may make an order on the Minister's recommendation, and the Minister may only recommend an order the Advisory Board has recommended.

Schedule 2.1 clause 2(1)(a): the Minister may make a proposal to the Advisory Board (not amended by the Bill).

Schedule 2.1 clause 4: notice of a formal inquiry, report to the Minister and six-week submission period (not amended by the Bill).

Schedule 2.1 clause 5(1): the inquiry is to be conducted so that interested parties can participate fully (not amended by the Bill).

Schedule 2.1 clause 5(2): matters the Board is to consider, replaced by Bill clause 129, which also inserts clause 5(3).

Schedule 2.1 clauses 7, 8 and 9: Minister's discretionary poll, elector-requested poll and poll procedure, deleted by Bill clause 130.

Schedule 2.1 clause 10(2): Minister must reject a recommendation opposed at a poll, deleted by Bill clause 131, with a consequential change to clause 10(1).

Bill clause 2(1)(e): Part 4 commences on a day fixed by proclamation. Until then, the current Schedule 2.1, including clauses 7 to 10, remains in force.

Bill clause 179, inserting Schedule 9.3 clauses 93 and 94: proposals made before the relevant provisions commence continue under the current provisions.

Section 2.8(1): the Shire President acts as the principal spokesperson for the local government.

The resolution is an advocacy position only and has no legislative effect.

## STRATEGIC

**Theme**

4. CIVIC LEADERSHIP

**Goal**

4.1 Skilled, capable and transparent team

**Strategy**

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

4.1.2 We are inclusive and our communities feel heard

## COMMENT

The Bill is described as facilitating voluntary amalgamation, but its provisions are not limited to proposals supported by the affected local governments. It retains the Minister's power to make a proposal, makes financial viability and service delivery the paramount consideration, and removes the only mechanism through which affected electors can produce a binding result.

Council is asked to seek targeted amendments that would allow genuinely voluntary amalgamations while retaining the community's safeguard where a proposal does not have local support.

**RESOLUTION OCM/26/033**

Moved: Cr Beverley Gangell

Seconded: Cr Murray James

That Council:

1. Opposes clauses 130 and 131 of the Local Government Amendment and Repeal Bill 2026, which would delete Schedule 2.1 clauses 7, 8 and 9 of the Local Government Act 1995 (the elector poll provisions commonly known as the Dadour provisions) and clause 10(2), which requires the Minister to reject a recommendation opposed at a poll;
2. Notes that, if the Bill is passed in its current form:
    a) the Minister will retain the power under Schedule 2.1 clause 2(1)(a) to make a proposal to the Local Government Advisory Board, including a proposal to amalgamate or abolish districts;
    b) affected electors will no longer have any statutory means of requiring a poll, or of producing a result that binds the Minister, on a proposed amalgamation; and
    c) the long-term financial viability of local governments and the effective delivery of local government services will become the Advisory Board's paramount consideration in a formal inquiry;
3. Requests that the State Government amends the Bill to:
    a) retain a binding poll of affected electors on any amalgamation proposal, unless each affected local government has resolved by absolute majority to support the proposal; and,
    b) require the Advisory Board, where a proposal is not supported by every affected local government, to consider whether the financial or service delivery concerns identified could reasonably be addressed by less intrusive means, such as shared services, regional subsidiaries or resource sharing.
4. Requests the Shire's delegates to the WALGA Great Eastern Country Zone submit the motion (attached) to the next Zone meeting, seeking Zone and WALGA State Council support for this position;
5. Endorses and supports the Shire President and Chief Executive Officer to make submissions and representations consistent with this resolution to the Minister for Local Government, the Shadow Minister for Local Government, local Members of Parliament, Members of the Legislative Council, WALGA, RoeROC member councils and any parliamentary committee inquiring into the Bill; and
6. Notes that this position is based on the Bill as introduced and requests the Chief Executive Officer to report to Council if the Bill is materially amended.

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

## 12.4.6 Recording Devices and Smart Glasses Policy

**FILE NUMBER:**

**DATE**: 14 October 2026

**AUTHOR:** Bruce Wright, Chief Executive Officer

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

**ATTACHMENTS:**
1. Recording Devices and Smart Glasses Policy - Draft - *Under Separate Cover*
2. Department of Education - CEO Directive - *Under Separate Cover*

**RECOMMENDATION**

That Council:

1. Adopts the Recording Devices and Smart Glasses Policy, as presented at Attachment 1;
2. Authorises the Chief Executive Officer to implement the Policy through conditions of entry, signage, facility-hire conditions, contractor requirements, administrative procedures and staff training; and
3. Authorises the Chief Executive Officer, in accordance with section 11 of the Policy, to make legislative, regulatory, technological and minor administrative updates that do not alter the Policy's intent, scope or substantive effect, including correcting typographical, formatting, numbering and cross-referencing errors, provided that each amendment is recorded in the document-control history and reported to Council at the next Ordinary Council Meeting.

### SUMMARY

This report seeks Council to consider adopting a policy regulating recording devices, smart glasses and other wearable recording technology at Shire facilities and events.

The Policy is intended to protect the privacy and safety of facility users, particularly children and patrons using swimming pools and sensitive areas, while continuing to allow reasonable photography and filming of family members and groups.

### VOTING REQUIREMENT

Simple Majority

### COUNCIL'S ROLE

**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### BACKGROUND

Smart glasses and other wearable devices are increasingly capable of capturing, storing, livestreaming and transmitting images, video and audio. Unlike conventional cameras and mobile

telephones, these devices may closely resemble ordinary eyewear, making it difficult for staff and patrons to determine whether recording is taking place.

This creates particular privacy and safeguarding concerns at swimming pools, change rooms, toilets, showers, children's and youth activities and other places where people reasonably expect a heightened level of privacy.

A number of Australian local governments have responded by strengthening conditions of entry at aquatic and leisure facilities. These measures generally prohibit covert or unauthorised recording, restrict smart glasses in higher-risk locations and provide exemptions for people using the technology for accessibility or medical purposes.

In Western Australia, the Department of Education has prohibited smart glasses at government school premises and school-organised activities from 12 October 2026. The Department identified risks relating to privacy, child safety, unauthorised recording, information security and disruption to school operations. The instruction also provides for approved medical, accessibility, assistive-technology and educational exemptions.

The Department's instruction does not apply to the Shire. It nevertheless provides relevant context and demonstrates that smart glasses are now recognised as an emerging privacy and safeguarding risk in Western Australia.

Administrative Updates

Recording-enabled, wearable and artificial intelligence technologies are developing rapidly. Terminology, device capabilities, government guidance and relevant legislation may change before the scheduled review of the Policy.

Section 11 therefore allows the CEO to update legislative and regulatory references, government guidance, agency and position titles, related documents and terminology relating to emerging recording-enabled or wearable technology.

This authority is limited to changes that do not alter the intent, scope or substantive effect of the Policy. Any change affecting the facilities or persons covered, the restrictions imposed, exemptions, enforcement provisions or facility-user rights must be referred to Council.

All administrative amendments must be recorded in the Policy's document-control history and reported to Council at the next Ordinary Council Meeting.

## FINANCIAL

Minor expenditure will be required for signage, amendments to facility-hire documentation, contractor instructions and staff training. These costs are expected to be accommodated within existing operational budgets.

## RISK

The Policy addresses risks associated with covert or unauthorised recording, child safeguarding, patron privacy, misuse of recorded material, inconsistent facility rules, staff exceeding their authority, disability discrimination and the mishandling of personal information.

The administrative-update provision also reduces the risk of the Policy becoming outdated as recording and wearable technology develops.

## POLICY

The proposed Policy applies to members of the public, patrons, visitors, hirers, contractors and facility operators at relevant Shire facilities and events. Shire employees will be managed through a related CEO procedure and applicable employment requirements.

The Policy prohibits the deliberate or unreasonable targeting and recording of another person without consent. Reasonable photography and filming of a person's own family or group will remain permitted, including incidental appearances by other patrons in the background where the recording is reasonable and not intrusive.

Photography, video recording, audio recording and livestreaming will be prohibited in designated sensitive areas, including change rooms, toilets and showers. Smart glasses and other covert wearable recording devices will not be permitted at Shire swimming pool facilities or in areas being used for children's, youth or school activities, regardless of whether the device appears to be switched on.

The stronger restriction on smart glasses is considered justified because it may not be reasonably possible for staff or patrons to establish whether the device is actively recording or transmitting information.

The Policy provides for exemptions and reasonable adjustments where a device is required for disability, medical, accessibility, assistive communication, personal safety, emergency or authorised operational purposes. This ensures that the Policy is applied proportionately and does not unnecessarily prevent access to Shire facilities.

Commercial filming will remain subject to the licensing requirements of the Shire's local law.

The Policy also distinguishes between an administrative request made by an employee or contractor and a statutory direction given by the CEO or an authorised person. Staff and contractors will not be authorised to search a person, confiscate or inspect a device, or require the deletion of recorded material unless expressly authorised by law.

A breach of the Policy will not, by itself, constitute an offence. Statutory enforcement powers may only be exercised where the conduct also contravenes the Shire's local law or another written law.

## STATUTORY

The Policy is adopted under section 2.7(2)(b) of the Local Government Act 1995, which provides that determining the local government's policies forms part of Council's governing role.

The Shire of Kondinin Public Places and Local Government Property Local Law 2022 applies to commercial filming, behaviour interfering with another person's enjoyment of local government property, lawful directions given by the CEO or an authorised person, and refusal of entry or removal where a breach of the local law or another written law is reasonably suspected.

The Policy does not create new offences or extend the powers available under the local law. A breach of the Policy alone will not automatically activate the enforcement or exclusion powers contained in the local law.

## STRATEGIC

**Theme**

1. COMMUNITY

**Goal**

1.4 Recreational and social spaces encourage active and healthy lifestyles

**Strategy**

1.4.1 Achievement of the Sport and Recreation Facilities Plan

## COMMENT

The Policy provides a proportionate response to an emerging technology risk. It does not impose a general ban on photography at Shire facilities and will continue to allow families and community groups to record their own activities in a reasonable manner.

The restrictions are instead directed towards covert, targeted or intrusive recording and the use of smart glasses in locations where the implications of undetected recording are more significant.

The Policy will operate primarily through conditions of entry, signage, facility-hire arrangements and contractor requirements. This ensures patrons receive reasonable notice of the applicable rules and gives staff and facility operators a consistent framework for responding to concerns.

The Policy also protects accessibility by requiring the Shire to consider exemptions and reasonable adjustments. Information collected through exemption applications, complaints and incident reports must be limited to what is reasonably necessary and managed in accordance with privacy and records-management requirements.

## CONSULTATION

Administration Staff

Shire contracted pool operators.

**RESOLUTION OCM/26/034**

Moved: Cr Paul Green

Seconded: Cr Beverley Gangell

That Council:

1. Adopts the Recording Devices and Smart Glasses Policy, as presented at Attachment 1;
2. Authorises the Chief Executive Officer to implement the Policy through conditions of entry, signage, facility-hire conditions, contractor requirements, administrative procedures and staff training; and
3. Authorises the Chief Executive Officer, in accordance with section 11 of the Policy, to make legislative, regulatory, technological and minor administrative updates that do not alter the Policy's intent, scope or substantive effect, including correcting typographical, formatting, numbering and cross-referencing errors, provided that each amendment is recorded in the document-control history and reported to Council at the next Ordinary Council Meeting.

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

## 12.4.7 Council Member Continuing Professional Development Policy

**FILE NUMBER:**

**DATE**: 15 October 2026

**AUTHOR:** Bruce Wright, Chief Executive Officer

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

**ATTACHMENTS:**
1. Council Member Continuing Professional Development Policy - Draft - *Under Separate Cover*

### RECOMMENDATION

That Council:

1. Adopts the Council Member Continuing Professional Development Policy, as presented at Attachment 1; and
2. Authorises the Chief Executive Officer to make minor typographical, formatting, numbering and cross-referencing corrections that do not alter the intent, scope or substantive effect of the Policy.

### SUMMARY

This report recommends that Council adopt the Council Member Continuing Professional Development Policy.

The Policy establishes the Shire's arrangements for mandatory Council member training, continuing professional development, approval of expenditure and reimbursement of associated expenses. It also sets out the responsibilities of Council, the Shire President, Deputy Shire President, Chief Executive Officer and individual Council members.

Adoption of the Policy will satisfy the requirements of sections 5.128 and 5.129 of the Local Government Act 1995 and provide a consistent framework for administering Council member training and professional development.

### VOTING REQUIREMENT

Absolute Majority

### COUNCIL'S ROLE

**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

## BACKGROUND

Council members perform significant governance, strategic, financial and representative responsibilities. Appropriate induction, mandatory training and continuing professional development support informed decision-making and assist Council members to understand their statutory obligations.

Section 5.126 of the Local Government Act 1995 requires Council members to complete prescribed training within the required period unless an exemption applies. The prescribed training is currently the Council Member Essentials course, comprising the training prescribed by regulation 35 of the Local Government (Administration) Regulations 1996.

Section 5.128 requires a local government to prepare and adopt a policy dealing with the continuing professional development of Council members. The Policy must be reviewed after each ordinary election and an up-to-date version must be published on the Shire's official website. Adoption and amendment require an absolute majority.

Section 5.129 also enables the Shire's policy to regulate the payment of fees and reimbursement of expenses associated with mandatory training and continuing professional development.

The proposed Policy combines these related requirements into one governance document. It addresses mandatory training, further development opportunities, approvals, eligible and ineligible costs, accountability, annual reporting and publication.

## FINANCIAL

Adoption of the Policy does not create an unlimited entitlement to training or professional development expenditure.

Mandatory training required by legislation will be arranged and funded by the Shire. Other professional development remains subject to relevance, prior approval and the availability of funds in the adopted annual budget.

The Policy permits the payment or reimbursement of reasonable and approved course fees, economy-class travel, accommodation, ground transport, parking, meals and necessary incidental expenses. It excludes personal entertainment, alcohol, travel upgrades, accompanying-person costs, infringements, private travel expenses and costs recoverable from another party.

Applications exceeding the available budget, involving travel outside Western Australia, formal qualifications, substantial financial commitments or matters outside the Policy must be referred to Council.

Council will continue to determine the overall allocation for Council member training and professional development through the annual budget process.

## RISK

The Policy reduces governance and compliance risk by establishing clear arrangements for meeting statutory training, reporting and publication obligations.

## POLICY

The proposed Policy will become the Shire's Council Member Continuing Professional Development Policy for the purposes of sections 5.128 and 5.129 of the Local Government Act 1995.

## STATUTORY

Sections 5.126 and 5.127 of the Local Government Act 1995 establish mandatory Council member training and annual reporting requirements.

Section 5.128 requires Council to prepare and adopt a continuing professional development policy. It also requires the CEO to publish the current Policy on the Shire's website and Council to review it after each ordinary election. Adoption and amendment require an absolute majority.

## STRATEGIC

**Theme**

4. CIVIC LEADERSHIP

**Goal**

4.2 We are a compliant and resourced Local Government

4.1 Skilled, capable and transparent team

**Strategy**

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

4.1.4 Elected members are trained and feel supported

## COMMENT

The proposed Policy provides a clear and practical framework for mandatory training and continuing professional development.

It recognises that Council members require current knowledge and appropriate skills to perform increasingly complex governance, financial, strategic and statutory responsibilities. At the same time, it ensures that public expenditure on training is relevant, properly approved, supported by the adopted budget and demonstrably beneficial to the Shire.

The Policy clearly distinguishes mandatory training from discretionary professional development, defines approval responsibilities and establishes reasonable controls over travel, accommodation, reimbursement and private expenses.

**RESOLUTION OCM/26/035**

Moved: Cr Murray James

Seconded: Cr Darren Pool

That Council:

1. Adopts the Council Member Continuing Professional Development Policy, as presented at Attachment 1; and
2. Authorises the Chief Executive Officer to make minor typographical, formatting, numbering and cross-referencing corrections that do not alter the intent, scope or substantive effect of the Policy.

**CARRIED 7/0 BY ABSOLUTE MAJORITY**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

## 12.4.8 Responsible Use of Artificial Intelligence Policy

**FILE NUMBER:**

**DATE**: 15 October 2026

**AUTHOR:** Bruce Wright, Chief Executive Officer

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

**ATTACHMENTS:**
1. Responsible Use of Artificial Intelligence Policy - Draft - *Under Separate Cover*

### RECOMMENDATION

That Council:

1. Adopts the Responsible Use of Artificial Intelligence Policy, as presented at Attachment 1; and
2. Authorises the Chief Executive Officer to implement the Policy through an AI Governance Framework CEO Directive, approved and restricted AI tool registers, risk assessments, privacy and security controls, training, records-management requirements and incident-reporting arrangements.

### SUMMARY

This report recommends that Council adopt a Responsible Use of Artificial Intelligence Policy for the Shire of Kondinin.

Artificial intelligence is increasingly incorporated into commonly used workplace software and online services. It can support drafting, research, analysis, planning and administrative efficiency. Its use also creates risks relating to privacy, confidentiality, cybersecurity, inaccurate or fabricated information, bias, copyright, recordkeeping and accountability.

The proposed Policy permits the responsible use of approved AI tools while establishing clear restrictions on higher-risk and prohibited uses. It maintains human responsibility for Shire work and decisions and applies additional controls where AI is used with personal information, materially assists decision-making, interacts with the public or connects to Shire systems.

### VOTING REQUIREMENT

Simple Majority

### COUNCIL'S ROLE

**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

## BACKGROUND

Artificial intelligence systems can generate written content, forecasts, recommendations, images, analysis and other outputs in response to human instructions. These capabilities are now available through standalone services and features incorporated into general business software.

AI may assist the Shire to improve productivity and service delivery. Appropriate uses may include preparing initial drafts, improving readability, summarising documents, supporting research, analysing data, preparing templates and assisting with spreadsheets or software. Under the proposed Policy, all AI output remains a draft until checked and adopted by a competent person.

The risks associated with AI arise partly from the apparent confidence and plausibility of its outputs. AI may generate incorrect facts, invented quotations, false citations, inaccurate legislative references or biased recommendations. Publicly available AI tools may also retain submitted information, process it outside Australia or use it for further system development.

A 2026 sector assessment undertaken by the Western Australian Local Government Association found that WA local governments were generally optimistic about AI but had an overall AI-readiness score of only 14%. The assessment identified governance, cybersecurity, capability and risk-management gaps as significant barriers to safe adoption.

The Western Australian Government has established an Artificial Intelligence Policy and Assurance Framework to support safe, secure and reliable AI use within the State public sector. While that framework is not directly binding on the Shire, the proposed Policy voluntarily adopts its principles of human wellbeing, fairness, privacy, security, reliability, transparency, accountability and accuracy.

The proposed Policy distinguishes between routine use of approved tools and higher-risk uses requiring prior approval. Prior approval will be required for new AI tools, personal or confidential information, decisions about individuals, public-facing AI systems, meeting transcription, synthetic media, system integration and AI systems capable of taking actions.

The Policy prohibits AI from exercising statutory authority, replacing an authorised decision-maker, processing protected information through an unapproved tool, fabricating records or references, impersonating people, covertly profiling individuals, predicting Council Member voting behaviour or autonomously spending money, entering contracts, communicating externally or altering official records.

## FINANCIAL

Adoption of the Policy will not commit the Shire to purchasing a particular AI product or subscription.

Implementation may involve expenditure on approved software licences, training, privacy and security assessments, ICT support and specialist advice. Any material expenditure will remain subject to Council's adopted budget, purchasing requirements and applicable approval processes.

## RISK

The principal risks are inaccurate outputs, privacy breaches, disclosure of confidential information, cybersecurity vulnerabilities, biased or discriminatory outcomes, inadequate records and inappropriate reliance on automated recommendations.

The Policy manages these risks by requiring approved tools, trained users, human verification, prior assessment of higher-risk uses, proper records, disclosure where required and immediate reporting of errors and information incidents.

Stronger controls apply where AI uses personal or sensitive information, materially assists a decision about an individual, interacts directly with the community, connects with Shire systems or is permitted to take an action.

The Policy makes clear that AI cannot hold a delegation or personal accountability. Any AI-assisted decision must be lawful, approved and remain the responsibility of the authorised decision-maker. The authorised decision-maker must consider the matter independently and be able to explain the decision without relying solely on the AI output

## POLICY

The proposed Policy will establish the Shire's overarching position on the use of artificial intelligence for Shire business. It applies to Council Members, committee members, employees, contractors, consultants and volunteers, including where AI is used on a privately owned device for Shire-related work.

The Policy permits routine use of approved AI tools for appropriate drafting, editing, summarising, research, analysis, spreadsheet, software and concept-development tasks. The tool may only be used for approved purposes and with the types of information for which it has been approved.

The Policy includes specific requirements for decisions about people, privacy, confidentiality, security, accuracy, disclosure, recordkeeping, training and incident reporting. It also establishes responsibilities for Council, the CEO, the AI Accountable Officer, Privacy Officer, managers and individual users.

The CEO will implement the Policy through an AI Governance Framework CEO Directive. The Framework will provide the operational detail, including approval pathways, risk-assessment requirements, the Approved AI Tools Register, the Restricted AI Tools List, privacy controls, training and incident-response arrangements.

The CEO may amend the administrative Framework as technology, government guidance and organisational arrangements change, provided it remains consistent with the Council-adopted Policy. Any amendment to the Policy itself will require a Council resolution.

The Policy will be reviewed within 12 months of adoption and every two years thereafter, or earlier where required by changes to legislation, regulatory guidance or technology.

## STATUTORY

Council may adopt the Policy as part of its governing role under section 2.7 of the Local Government Act 1995. The CEO is responsible for implementing Council decisions and managing the Shire's operations.

## STRATEGIC

**Theme**

4. CIVIC LEADERSHIP

**Goal**

4.2 We are a compliant and resourced Local Government

**Strategy**

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

## COMMENT

Artificial intelligence is already available through commonly used workplace software and online services. A complete prohibition would be difficult to administer and could prevent the Shire from realising legitimate productivity and service-delivery benefits. Uncontrolled use would expose the Shire to unacceptable privacy, security, accuracy, recordkeeping and governance risks.

The proposed Policy provides a balanced and risk-based approach. It permits appropriate use of approved AI tools for lower-risk activities while applying stronger controls to personal information, decisions about individuals, public-facing systems, synthetic media, meeting transcription and integration with Shire systems.

The Policy preserves human judgement and accountability. AI may assist an authorised person, but it cannot hold a delegation or assume responsibility for a Shire decision. The person who checks, adopts, publishes or relies on an AI-generated output remains responsible for the final product.

The Policy is aligned with Western Australia's new privacy requirements, contemporary records-management guidance and recognised government AI-governance principles. It provides a sound framework for managing current AI use and emerging technology and is recommended for adoption.

**RESOLUTION OCM/26/036**

Moved: Cr Paul Green

Seconded: Cr Bruce Browning

That Council:

1. Adopts the Responsible Use of Artificial Intelligence Policy, as presented at Attachment 1; and
2. Authorises the Chief Executive Officer to implement the Policy through an AI Governance Framework CEO Directive, approved and restricted AI tool registers, risk assessments, privacy and security controls, training, records-management requirements and incident-reporting arrangements.

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

## 12.4.9 Shire of Kondinin Strategic Community Plan - Quarterly Report (Q1 2026-2027)

**FILE NUMBER:**

**DATE**: 15 October 2026

**AUTHOR:** Bruce Wright, Chief Executive Officer

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

**ATTACHMENTS:** Nil

### RECOMMENDATION

That Council:

1. Receives and notes the 2026-2027 Q1 quarterly progress report against the Shire of Kondinin Strategic Community Plan (2022-2032).

### SUMMARY

This report presents the first quarter progress report for the period July to September 2026 against the Shire of Kondinin Strategic Community Plan 2022–2032 (SCP).

The SCP is the Shire's principal strategic document, articulating a ten-year community vision across four pillars: Community, Economy, Environment, and Civic Leadership and with fifteen sub-priorities each supported by measurable success indicators. Progress against those indicators is reported to Council quarterly via a traffic light system, as endorsed in the Plan.

Overall, the quarter has seen continued delivery across the majority of the SCP's priorities. Infrastructure programs have progressed, community services have been maintained, and the Shire has continued its advocacy role across health, housing, and telecommunications. However, a number of priorities remain at risk or require Council's particular attention, most notably the review and translation of the Strategic Community Plan and supporting strategies into a Council Plan, maintaining asset renewal ratios in accordance with the Integrated Planning and Reporting Framework requirements, as reflected in the Shire's Long-Term Financial Plan and Asset Management Plans, and the progress of the Hyden Discovery Centre.

### VOTING REQUIREMENT

Simple Majority

### COUNCIL'S ROLE

**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**BACKGROUND**

The Strategic Community Plan 2022–2032 was adopted by Council in March 2022 following community engagement workshops held in Hyden, Karlgarin and Kondinin, an online and hard copy survey with 50 respondents, and a Council workshop. The Plan articulates the community's priorities across four pillars and fifteen sub-priorities, each with specific success measures that form the basis of quarterly progress reporting.

Under the Shire's adopted reporting framework, progress against the SCP is reported quarterly to Council via a traffic light based update, shared via a Council agenda item and published on the Shire website. This is consistent with the requirements of the Local Government (Administration) Regulations 1996 and the Department of Local Government, Sport and Communities Integrated Planning and Reporting Framework and Guidelines.

The 2026–27 financial year has been the fifth year of delivery against the current SCP. Across the year the Shire has continued to make progress against capital works commitments, community service delivery, emergency management obligations, and environmental health compliance. The year has also surfaced a number of persistent structural challenges - notably the housing shortfall in Kondinin, the ongoing absence of mobile telecommunications coverage across the Shire's road network, and the maintenance position at several key Shire assets.

The quarter showed strong activity across community programs, housing, tourism, renewable energy and governance. However, several initiatives remain in planning, consultation or approval stages and are not yet be reported as completed outcomes.

Housing progressed to specific land acquisition and development pathways, but shortages remain unresolved. Likewise, the Wave Rock Discovery Centre advanced through statutory and planning processes, although funding, delivery costs, operating responsibilities and final Council approval remain outstanding.

Governance and compliance improvements are underway, but identified weaknesses in procurement, delegations, cybersecurity, records and internal controls warrant an AT RISK status until corrective actions are completed and verified.

Across the four SCP pillars, the Q1 2026–27 position can be broadly characterised as follows:

| Strategic Priority | Status | Summary Commentary |
|---|---|---|
| 1.1 Active, Engaged & Connected Community | **ON TRACK** | Community development activity remained strong throughout the quarter. Activities included SOCK Week events, NAIDOC Week programs in Kondinin and Hyden, emergency-services engagement with the Hyden Primary School, community wellbeing activities, community markets and planning for Seniors Week. The August wellbeing evening in Hyden attracted 35 attendees, while the Community Development Officer continued to work with the local CRCs and other organisations on future activities. The breadth of programming across Kondinin, Hyden and Karlgarin indicates that this priority remains on track. |
| 1.2 Health Services & Facilities | **MONITOR** | The Shire self-funds medical services through a third party provider, Livingston Medical. Community feedback has identified strong support and commendation of Livingston and their staff. Medical services remain a critical service offering to our communities and positive working relationships have been established with Livingston to support ongoing and allied health services. |

| Strategic Priority | Status | Summary Commentary |
|---|---|---|
| | | Livingston medical has advised that the current Doctor will be leaving the practice to pursue training in January 2027. Arrangements are underway for the positioning of a new practitioner. |
| 1.3 Heritage & Pioneers | **ON TRACK** | Scheduled maintenance services have continued at the Shire cemeteries. Building assessments of history bound Shire assets has continued for incorporation into the future Council Plan. |
| 1.4 Recreational & Social Spaces | **MONITOR** | Sporting fields, social and recreational spaces (including aquatic centres) remain the subject of scheduled and reactive maintenance programs and capital improvements. Preparations are underway for the pool season and the return of pool operators. The Hyden Pool will be operated by a new member of the contracted staff. During the quarter, officers investigated community gym models in neighbouring districts; Council supported a contribution to the Cycling Without Age trishaw initiative; and the September agenda proposed formalising the community lease for the Karlgarin Bowling Club Incorporated. The proposed lease would clarify maintenance, insurance, utility and operating responsibilities. While activity is evident, the condition, renewal requirements and whole-of-life costs of the Shire's recreation facilities, including aquatic centres, require continued monitoring. |
| 1.5 Volunteer Organisations | **MONITOR** | The communities throughout the Shire are challenged by a very restricted volunteer pool and consequential volunteer fatigue. Work has commenced on compliance and governance within clubs and associations and the regularisation of tenure arrangements has now commenced. Volunteer organisations continue to provide essential community, recreation and emergency services, but the restricted volunteer pool remains a structural constraint on membership, governance and succession. Work during the quarter included progressing formal tenure arrangements for community facilities and reviewing emergency service appointments. |
| 1.6 Emergency Services | **MONITOR** | Emergency-management activity continued through: community engagement, the July Bush Fire Brigade AGM and preparation of bush fire officer appointments for the 2026–27 season. The September meeting material proposed formalising the Chief and Deputy Chief Bush Fire Control Officer appointments and progressing reciprocal cross-boundary appointments with neighbouring local governments. These actions strengthen operational clarity, but completion of the Local Emergency Management Arrangements and Bushfire Management Plan reviews remains important. The Shire has submitted a grant application to the Disaster Relief Fund to seek funding for the supply and installation. |
| 2.1 Diverse Industry & Economy | **MONITOR** | Economic activity during the quarter was strongly influenced by renewable-energy projects, workforce accommodation, land availability and regional labour supply. Council continued to assess development-condition documentation for the King Rocks and Kondinin renewable-energy projects, including road and operational requirements. The September meeting also considered the potential impacts of Commonwealth migration measures on local employers. These matters demonstrate active economic-development work, but a consolidated Economic Development Plan is still required to coordinate industry attraction, land supply, |

| Strategic Priority | Status | Summary Commentary |
|---|---|---|
| | | workforce, housing and infrastructure priorities. |
| 2.2 Transport Network | **MONITOR** | Road construction and maintenance remained core operational activities, while renewable-energy developments required detailed road assessments, maintenance planning and management of oversized and over-mass vehicle movements. In July, Council required additional road-condition and traffic information for the Notting–Karlgarin Road in connection with a renewable-energy proposal. The September agenda also proposed an application to the Australian Government's Active Transport Fund for approximately 650 metres of footpath and associated works in Kondinin, with an estimated project cost of $360,000. Continued monitoring is warranted because delivery remains dependent on developer compliance, grant funding and the Shire's capacity to fund renewal and matching contributions. |
| 2.3 Visitor & Tourist Experience | **AT RISK** | Tourism remains economically important and visitor activity associated with Wave Rock continues to support Hyden and the wider Shire. Considerable progress was made on the proposed Wave Rock (Katter Kich) Discovery Centre. In August, Council endorsed the business plan for public advertising under section 3.59 of the Local Government Act 1995, while making clear that this was not approval to proceed with the transaction. The proposal involves an indicative transaction value of approximately $13.5 million and would place ownership, contracting, funding-agreement and operating responsibilities with the Shire. A development application for the proposed community and tourist centre was also presented in September. The priority should remain at risk because delivery is subject to funding, statutory processes, community submissions, design resolution, future operating costs and a final Council decision |
| 2.4 Housing | **AT RISK** | Housing and serviced-land shortages remain a significant constraint on workforce attraction, population retention and economic growth. During the quarter, Administration progressed the proposed acquisition of approximately 2,236 square metres of Crown land in Kondinin for residential development, potentially accommodating four dwellings, and initiated work on a larger land-release opportunity in Hyden. The longer-term Kondinin opportunity could potentially support up to 20 additional lots, subject to rezoning, servicing and approvals. These are positive and tangible steps, but they do not yet produce completed housing or immediately available serviced lots. The priority therefore remains at risk. |
| 2.5 Learning & Education | **MONITOR** | Primary schools, childcare services and Community Resource Centres continued to operate across the Shire. The CRCs were actively involved in delivering community learning, wellbeing, cultural and social activities during the quarter. No material threat to the continuation of local primary education or CRC-based learning services was identified in the reviewed Council material. The status can remain on track, while acknowledging that education, childcare and workforce availability remain important contributors to community sustainability. The child care operator in Hyden reported dwindling attendance which is being monitored regularly with slight improvements noted. |
| 3.1 Environmental Health & Waste | **MONITOR** | Environmental health regulatory services continued through the regional environmental health arrangement. The Wave Rock septic |

| Strategic Priority | Status | Summary Commentary |
|---|---|---|
| | | pond matter remains unresolved and requires a legally and technically compliant long-term solution. The proposed Discovery Centre and other development applications also require careful consideration of wastewater, public-health and environmental requirements. Until the septic pond issue is resolved and an agreed implementation pathway is established, this priority should remain under active monitoring. |
| 3.2 Natural Environment | **ON TRACK** | Participation in invasive-species programs and regional natural-resource advisory arrangements continued. Renewable-energy development assessments during the quarter included requirements concerning remnant vegetation, fauna risk, setbacks, drainage and site-management information. No material deterioration in the Shire's broader natural-environment program was identified. The priority remains on track, although cumulative environmental effects associated with major energy and infrastructure projects should continue to be monitored through the planning and approvals process. |
| 4.1 Skilled, Capable & Transparent Team | **MONITOR** | Elected member and employee capability development continued, and the organisation is progressively strengthening its governance, risk and policy frameworks. However, recruitment difficulties in specialist and administrative positions remain a constraint, particularly where regional housing and migration settings affect the available workforce. The September program also identified training, records management, procurement, cybersecurity and internal-control improvements as areas requiring additional organisational effort. The priority remains appropriately classified as monitor. |
| 4.2 Compliant & Resourced Local Government | **AT RISK** | Significant governance and compliance work was undertaken during the quarter. Council adopted and reviewed policies, commenced corrective work on procurement and contracting, progressed the Enterprise Risk Register and addressed deficiencies concerning the earlier Discovery Centre process and committee delegations. However, the Compliance Audit Return identified adverse findings relating to procurement and tendering, the statutory process for the proposed major land transaction and the formal recording of delegations. The Enterprise Risk Register contains 57 risks, including six assessed as having a high residual risk. Further work is required in procurement, cybersecurity, records management, internal controls, policy governance and training. On balance, these matters support an AT RISK status until corrective actions are implemented and verified. |

## FINANCIAL

Annual Budget 2026-2027

## RISK

Population decline remains a medium-term structural risk. The Shire's population is projected to fall to approximately 740 residents by 2031 from a current base of 873. Each successive year without a meaningful response to housing diversity, workforce attraction, and liveability investment increases the probability that this projection is realised.

Volunteer fatigue is an emerging risk that has been visible during the quarter. With high volunteerism rates, 42% of residents undertake voluntary work, well above the State average of 19%. The Shire's community services and emergency management capability is heavily dependent on a relatively small cohort of willing residents in an ageing community. No specific mitigation strategy currently exists for this risk within the SCP framework and is included in the LEMA review for 2026-2027.

The Shire of Kondinin is facing a compounding asset renewal risk. A robust, current Asset Management Plan supported by a credible long-term financial strategy that explicitly models the renewal gap and establishes a realistic trajectory for closing it is programmed for 2026-2027.

Equally important is the discipline applied to new capital commitments. In an environment where the renewal backlog is already significant, the temptation to pursue large, visible capital projects must be carefully weighed against the Shire's underlying financial capacity and community need. Over-commitment to major projects, however worthy, can diminish the renewal expenditure the existing asset base urgently requires, divert staff resources from operational priorities, and create ongoing operating cost obligations the Shire may not be positioned to sustain. A measured, evidence-based approach to capital decision-making, anchored in the Asset Management Plan and Long-Term Financial Plan, will be developed in 2026-2027. New projects should only proceed where they are demonstrably affordable, where the renewal program is not compromised, and where the full lifecycle cost (not just the construction cost) has been assessed and accepted by Council.

## POLICY & STATUTORY

Section 5.56 of the Local Government Act 1995 (WA) requires local governments to plan for the future of their district.

Regulation 19C of the Local Government (Administration) Regulations 1996 sets out the minimum content and review requirements for the Strategic Community Plan, mandating a review at least once every four years.

The Local Government Amendment Acts of 2023 and 2024 (WA) have introduced strengthened obligations around Council governance, elected member conduct, and CEO performance management that will need to be reflected in the revised plan. Section 5.53 of the Act requires the Shire to formally report progress against the SCP to the community annually via the Annual Report, which this Q4 report will inform.

The SCP's Environment pillar engages the Environmental Protection Act 1986 (WA), Biodiversity Conservation Act 2016 (WA), and Waste Avoidance and Resource Recovery Act 2007 (WA).

The Community pillar engages the Emergency Management Act 2005 (WA) and Bush Fires Act 1954 (WA) in relation to Priority 1.6, and the Disability Services Act 1993 (WA) in relation to the DAIP commitment in Priority 1.2.

The housing priority engages the Planning and Development Act 2005 (WA) and the Shire's Local Planning Scheme No.1.

Two new instruments now require particular attention. The Public Health Act 2016 (WA) Stage 5, which commenced 4 June 2024, creates a mandatory obligation to prepare a Local Public Health Plan not yet reflected in the current SCP.

The Privacy and Responsible Information Sharing Act 2024 (WA), operative from 1 July 2026, creates new privacy compliance obligations that should be embedded in the revised SCP's Civic Leadership pillar.

## STRATEGIC

**Theme**

4. CIVIC LEADERSHIP

**Goal**

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced Local Government

**Strategy**

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

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

## COMMENT

The first quarter of 2026–2027 brings to a close what has been a year of steady delivery against the Shire of Kondinin's strategic priorities, tempered by a small number of unresolved and persistent challenges that warrant Council's direct attention as the new financial year begins.

The Shire is performing well in areas where it has direct operational control - road maintenance, waste management, community events, emergency services support, maintenance and financial compliance. These are not small achievements for a council of this size and geographic complexity, and they reflect well on the administration and the volunteer community that underpins so much of what the Shire does.

The areas of concern are largely those where the Shire's influence is constrained by external factors such as State Government decisions on health resourcing and public housing, telecommunications investment by carriers, and the broader demographic and economic pressures affecting all small Wheatbelt communities. This does not mean the Shire is without agency in these areas. The Shire has an important advocacy role, and the evidence gathered through this reporting cycle on housing, health, telecommunications, and the Hyden–Norseman Road will be actively deployed in submissions, grant applications, and direct engagement with State and Federal Ministers and agencies.

## CONSULTATION

Administration staff.

**RESOLUTION OCM/26/037**

Moved: Cr Beverley Gangell

Seconded: Cr Paul Green

That Council:

1. Receives and notes the 2026-2027 Q1 quarterly progress report against the Shire of Kondinin Strategic Community Plan (2022-2032).

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

## 12.4.10 Appointment of Dual Bush Fire Control Officers 2026–2027

**FILE NUMBER:**

**DATE**: 15 October 2026

**AUTHOR:** Bruce Wright, Chief Executive Officer

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

**ATTACHMENTS:**
1. Dual FCO Appointments - Shire of Corrigin - *Under Separate Cover*

### RECOMMENDATION

That Council:

1. Endorses the appointment of Mr Bruce Talbot and Mr Tim George as Bush Fire Control Officers for the Shire of Kondinin for the 2026–2027 bush fire season, for the purpose of supporting cross-boundary bush fire response arrangements with the Shire of Corrigin;
2. Advises the Shire of Corrigin of Council's decision.

### SUMMARY

The Shire of Corrigin has requested that Mr Bruce Talbot and Mr Tim George be appointed as dual Bush Fire Control Officers by the Shire of Kondinin for the 2026–2027 bush fire season.

The appointments would support coordinated bush fire prevention and response activities across the boundary of the two local government districts.

### VOTING REQUIREMENT

Simple Majority

### COUNCIL'S ROLE

**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### BACKGROUND

On 1 October 2026, the Shire of Corrigin formally requested the appointment of Mr Bruce Talbot and Mr Tim George as dual Bush Fire Control Officers within the Shire of Kondinin.

A Bush Fire Control Officer appointed by one local government does not automatically hold authority within another local government district. A separate appointment by the receiving local government is required before the officer may exercise powers within that district.

Appointments of officers from neighbouring local governments provide additional operational capacity during cross-boundary incidents and clarify the officers' statutory authority when assisting within the Shire of Kondinin.

## FINANCIAL

There are no significant financial implications arising from the proposed appointments.

## RISK

The appointments will improve clarity concerning authority, responsibility and command arrangements during cross-boundary bush fire incidents.

## POLICY

The appointments will be administered in accordance with the Shire's applicable bush fire policies, local laws and emergency-management procedures.

## STATUTORY

Section 38(1) of the Bush Fires Act 1954 permits a local government to appoint persons as Bush Fire Control Officers.

Section 38 also requires the local government to publish notice of an appointment in a newspaper circulating within its district and issue each appointed officer with a certificate of appointment.

## STRATEGIC

**Theme**

1. COMMUNITY

**Goal**

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

**Strategy**

1.6.3 Resourced bush fire brigades and support to meet compliance and encourage participation

## COMMENT

The Shires of Kondinin and Corrigin share a local government boundary and may require operational assistance from each other during bush fire incidents. Formally appointing the nominated officers will ensure they have appropriate authority to operate within the Shire of Kondinin when required.

The appointments are considered appropriate and will strengthen cross-boundary coordination for the 2026–2027 bush fire season.

**RESOLUTION OCM/26/038**

Moved: Cr Murray James

Seconded: Cr Paul Green

That Council:

1. Endorses the appointment of Mr Bruce Talbot and Mr Tim George as Bush Fire Control Officers for the Shire of Kondinin for the 2026–2027 bush fire season, for the purpose of supporting cross-boundary bush fire response arrangements with the Shire of Corrigin;
2. Advises the Shire of Corrigin of Council's decision.

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni

| | |
|---|---|
| | Smeed and Paul Green |
| Against: | Nil |

# 13 BUSINESS OF AN URGENT NATURE

Nil

# 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

# 15 MATTERS FOR WHICH MEETING MAY BE CLOSED / CONFIDENTIAL ITEMS

**RESOLUTION OCM/26/039**

Moved: Cr Beverley Gangell

Seconded: Cr Murray James

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23 of the Local Government Act 1995(WA):

**15.1 Wave Rock Septic Pond - Funding for Legal Advice**

This matter is considered to be confidential under Section 5.23 - (4)(a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice, or other information, over which the local government holds legal professional privilege.

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

**RESOLUTION OCM/26/041**

Moved: Cr Darren Pool

Seconded: Cr Toni Smeed

Resume in Open Session and note the Shire President's report on Confidential Resolutions.

**CARRIED 7/0**

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

4.44pm the meeting was opened to the public.

# 16 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

## 15.1 Wave Rock Septic Pond - Funding for Legal Advice

**FILE NUMBER:**

**DATE**: 21 September 2026

**AUTHOR:** Bruce Wright, Chief Executive Officer

**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer

**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

The Council is satisfied that, pursuant to Section 5.23 of the *Local Government Act 1995*, the information to be received, discussed or considered in relation to this agenda item is:

(4)(a) legal advice, or other information, over which the local government holds legal professional privilege.

**RESOLUTION OCM/26/040**

Moved: Cr Beverley Gangell

Seconded: Cr Bruce Browning

That Council:

1. Notes that the Wave Rock sewage pond lies within registered Aboriginal site, Place 4438 (Wave Rock Scarred Tree) and that comprehensive legal advice is required before Council can lawfully resolve to proceed with any option for decommissioning and replacing the pond;
2. Endorses the engagement of Civic Legal to provide that advice in accordance with its letter of 27 August 2026, at an estimated cost of $70,000 to $80,000 (ex GST);
3. Pursuant to s6.8(1)(b) of the Local Government Act 1995, authorises unbudgeted expenditure of up to $80,000 (ex GST) for the legal advice, funded by transfer from the Tourism Reserve, with the 2026/27 Annual Budget to be amended accordingly at the Q2 budget review;

4. Authorises the CEO to instruct Civic Legal to proceed; and
5. Endorses the CEO writing to the Department of Planning, Lands and Heritage, substantially in the form of Attachment 4, seeking State funding of the legal advice and of the decommissioning and replacement of the pond, with any State reimbursement of the legal advice to be returned to the Recreation Facilities Reserve.

**CARRIED 6/0 BY ABSOLUTE MAJORITY**

For: Crs Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

Abstained: Cr Kent Mouritz

# 17 CLOSE OF MEETING

## 17.1 DATE OF NEXT MEETING

To be held at Hyden Community Resource Centre at 4:00 PM on 18 November 2026.

## 17.2 CLOSURE

The Meeting closed at 4:46pm