SHIRE OF KONDININ

NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

Kondinin Shire Council

Will be held at the Hyden Community Resource Centre on 18th November 2026

4:00 PM Ordinary Council Meeting

Bruce Wright

Wednesday, 18 November 2026

Chief Executive Officer

11 Gordon Street, KONDININ WA 6367 Tel (08) 98891006

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

Members of the Public Attending a Council Meeting

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

Public Question Time

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

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

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

Public Statement Time

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

Meeting Formalities

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

Recording and Privacy Notice

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

Copyright Disclaimer

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Notes for Elected Members

Report Definitions

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

Alternative Motions

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

Declarations of Interest

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

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

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

Applications for a Leave of Absence

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

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

Shire of Kondinin - Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Kondinin for any act, omission, statement, or intimation occurring during Council Meetings. The Shire of Kondinin disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

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

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Nil

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Nil

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6.1 PUBLIC QUESTION TIME

6.2 PUBLIC STATEMENT TIME

6.3 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

7 QUESTIONS FROM MEMBERS WITHOUT NOTICE

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Ordinary Council Meeting - 21 October 2026

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 Paid, October 2026

FILE NUMBER:

DATE: 9 November 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 - October 2026 - *Under Separate Cover*

RECOMMENDATION

1. That Council received the attached report – List of Accounts Due & Submitted to Council for the month of October 2026:

(i)	Municipal Fund payment cheque numbers 19589-19592	$ 9,051.51
(ii)	Municipal EFT22682-22790	$830,242.03
(iii)	Direct Debits – Transport – Hyden Office	$27,802.95
(iv)	Direct Debits – Transport – Kondinin Office	$9,772.65
(v)	Direct Debits – Credit Cards DD24421.1	$12,537.21
(vi)	Direct Debits – Others	$90,212.82
(vii)	EFTPIS, AKF, Bank Fees	$616.79
(viii)	Payroll EFTs	$157,041.90
	TOTAL	**$1,137,277.86**

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

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

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

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

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

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

COMMENT

Nil

CONSULTATION

Nil

12.1.2 Monthly Financial Report - October 2026

FILE NUMBER:

DATE: 10 November 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 31 October 2026 - *Under Separate Cover*

RECOMMENDATION

1. That Council receive the attached reports entitled Monthly Financial Report (Containing the required Statement of Financial Activity and Statement of Financial Position) for the period ended 31 October 2026.

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 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

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COMMENT

Nil

CONSULTATION

Nil

12.1.3 Amendments to Bank Authorised Signatories

FILE NUMBER:

DATE: 11 November 2026

AUTHOR: Vince Bugna, Manager Corporate Services

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS: Nil

RECOMMENDATION

That Council:

1. Authorises the removal of all existing bank account authorities for former elected members, former employees and any other persons who no longer require access to the Shire of Kondinin's Municipal and Trust bank accounts.
2. Authorises the following positions as authorised banking officers for the Shire's Municipal and Trust bank accounts:
    a) Chief Executive Officer;
    b) Executive Manager Corporate Services;
    c) Executive Manager Planning, Environment and Community Services;
    d) Executive Manager Infrastructure Assets; and
    e) Coordinator Corporate Services.
3. Determines that banking transactions are to remain subject to the Shire's financial management procedures, delegated authority and dual-authorisation requirements.
4. Authorises the Chief Executive Officer to complete the necessary documentation with National Australia Bank to give effect to this resolution.

SUMMARY

This report seeks Council approval to update the authorised banking officers for the Shire of Kondinin's Municipal and Trust bank accounts.

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

A review of the Shire's bank account authorities identified a number of outdated authorisations, including former elected members and employees.

It is recommended that these authorities be removed and replaced with the nominated employee positions. This provides appropriate operational coverage while maintaining separation between Council's governance role and the administration's responsibility for financial management and payment controls.

FINANCIAL

Nil

RISK

Outdated banking authorities create financial, security and governance risks. Maintaining sufficient authorised officers and dual-authorisation controls reduces the risk of unauthorised access and delays in processing payments.

POLICY

The proposed authorities must operate in accordance with the Shire's financial management procedures and relevant delegations.

STATUTORY

Local Government Act 1995

Section 2.7 establishes Council's governance, oversight and policy-setting role.

Local Government (Financial Management) Regulations 1996

Regulation 5 requires the Chief Executive Officer to establish effective systems and procedures for the safe custody of money and the proper authorisation of payments.

Regulation 11 requires secure and properly authorised payment procedures, including controls over banking systems and identification of the persons authorising payments.

Regulation 12 provides that payments from the Municipal or Trust Fund may be made by the Chief Executive Officer where Council has delegated that authority, or otherwise where authorised in advance by Council.

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

COMMENT

The proposed arrangement limits banking authority to designated employees responsible for the Shire's financial and operational administration. This provides appropriate access across the organisation while maintaining effective internal controls and separation between Council's governance role and administrative banking functions.

CONSULTATION

Fiona J Haggerty, Agribusiness Manager NAB Narrogin

12.2 PLANNING & ASSETS

12.2.1 Community Development Update

FILE NUMBER:

DATE: 11 November 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 Shire hosted a Citizenship Ceremony on 21 October at the Memorial Garden in Kondinin, where we proudly welcomed our newest Australian citizen. The Memorial Garden provided a wonderful setting for the occasion, with the roses in full bloom and looking particularly impressive. Events such as these are an important reminder of the diversity and strength of our communities and provide an opportunity to formally welcome new residents as they become Australian citizens. I would like to acknowledge and thank Declan for his continued efforts in maintaining the gardens to such a high standard. His work ensured the venue looked exceptional for this significant occasion. This marks the third Citizenship Ceremony hosted across the Shire this year, highlighting the ongoing growth and diversity of our local communities.

On Sunday, the Hyden Hotel hosted the annual Seniors Week Lunch and Elvis Tribute Show, with the entertainment component proudly funded by the Shire, and the meal subsidised by the Hyden Progress Association's Seniors Program. Doug Charles delivered an outstanding performance as Elvis Presley, entertaining attendees with a range of well-known classics that had many guests singing along, dancing and thoroughly enjoying the afternoon. A highlight of the performance was Doug mingling with the crowd and presenting Elvis scarves to a number of audience members, creating a fun and interactive atmosphere. More than 40 people attended from across the Shire, enjoying not only the entertainment but also the opportunity to socialise and connect with others. Feedback received from attendees has been extremely positive. Consideration is being given to holding the event slightly earlier next year to avoid clashes with harvest activities and allow greater participation from residents who may otherwise be unable to attend during this busy time of year.

Planning is now well underway for the Kondinin Twilight Markets, scheduled to take place on 29 November. A strong mix of market stalls, community organisations, local businesses and food vendors has already been secured, ensuring there will be something for everyone to enjoy. The Twilight Markets continue to attract both local residents and visitors to the district and provide an excellent opportunity to showcase local products, services and community groups. In addition to supporting local economic activity, the event provides an important social opportunity for the community to come together and enjoy a relaxed family-friendly evening.

I am once again pleased to be assisting the Hyden CRC with the Volunteer of the Year Mid-Harvest Breakfast, which will be held on 4 December outside Elders Hyden. This annual event provides a valuable opportunity to recognise the dedication and commitment of volunteers from across the district. Volunteers play a critical role in supporting local organisations, sporting clubs, emergency services and community events, often contributing many hours behind the scenes. The breakfast serves as a meaningful way to acknowledge and thank these individuals for their efforts and the positive impact they have on our community. The event continues to be well supported and remains an important part of the local community calendar.

Unfortunately, the Shire was unsuccessful in securing the full Australia Day Grant to support the delivery of the 2027 Australia Day celebrations. We have alternatively been offered the smaller Australia Day Streaming Grant which will assist in supporting aspects of the celebration program. The funding will contribute towards the delivery of the Australia Day Breakfast and the Community Citizen of the Year Awards, ensuring these important community recognition activities can continue. Although the funding level is lower than initially sought, it will still assist the Shire in acknowledging the achievements, contributions and volunteer efforts of individuals and groups throughout the district.

The Mosquito Control Program continues to be very well received by residents, with strong uptake of the free Coopex product provided by the Shire. Many community members have taken advantage of the initiative to undertake mosquito control treatments around their homes and properties. Feedback has indicated that residents appreciate the practical assistance provided by the program, particularly following favourable seasonal conditions that can contribute to increased mosquito activity. This initiative forms part of the Shire's broader commitment to promoting public health and wellbeing across the district and helping residents manage pest-related issues in and around their homes.

12.3 WORKS

12.3.1 Infrastructure and Assets - Monthly Report

FILE NUMBER:

DATE: 14 November 2026

AUTHOR: Bob Edwards, Executive Manager Infrastructure

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS: Nil

UPDATE

Road Works:

Summer grading on gravel roads effected by Harvest using three Shire Graders.

Completion of gravel sheeting of 6.7km on Allen Rocks Road. Crew accommodated in Hyden

Preparation for the layout of Road Traffic Counters on Major Gravel Routes to capture Harvest movements.

Replacement of guideposts and signs, plus pothole patching on all sealed roads.

Completion by Fulcher Contractors of the Gravel Shoulder Widening of the East Hyden Bin Road.

East Hyden Bin Road sealing works to start on 14th Nov. Duration will be five days, thanks for your patience.

Application of Audible Line Marking will take place in February 2027, will complete the SLRIP Project.

Many thanks to all the Landowners who have made gravel available for our road works, we look forward to enjoying the same relationship in the future.

Assets, Fleets and Built Assets:

The Coordinator is heavily engaged in the transition of operational contracts re-allocated to the Department.

Concurrently, various outstanding maintenance works have been completed across the asset portfolio

Reporting protocols are currently being developed; however, operational necessity has taken priority. The intent of the revised protocol will be to provide the Council with the strategic view required for long term planning and strategic outcomes of the Shire.

Fleet reporting will be included within the protocols. Maintenance works have continued throughout the period.

Vector control continues and a proactive approach to mosquito management has been implemented by the Coordinator with Coopex residual insecticide and larvicide tablets being distributed to community members. Messaging campaigns are being circulated – noting that despite popular perception, fogging does not provide a sustainable solution to break breeding cycles.

Parks and gardens have received various written compliments for the presentation of public spaces in Kondinin, Karlgarin and Hyden. The team has also undertaken a

Requests for Tenders and Quotes for Pathways, Termite Remediation and the Hyden Diving Board remediation have been released and assessed.

The Coordinator is managing a transition of WHS procedures to a digital platform, enhancing the Shire's compliance and holding a long term view to preserve fleet assets more efficiently. Similarly, the corrective actions of the LGIS WHS audit are progressively being implemented.

12.4 CHIEF EXECUTIVE OFFICER

12.4.1 Schedule of Ordinary Council Meetings - 2027 and Annual Meeting of Electors 2025-2026

FILE NUMBER:

DATE: 12 November 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. Adopts the 2027 schedule of Ordinary Council Meetings set out in Table 1, with each meeting commencing at 4.00pm at the specified venue.
2. Selects, for the purposes of section 5.27(2) of the *Local Government Act 1995*, the date, time and venue for the 2025–2026 Annual Meeting of Electors as follows:
   a) Wednesday, 17 February 2027 at 6.00pm at the Karlgarin Country Club, where that date falls within 56 days after Council accepts the 2025–2026 Annual Report;
   b) where 17 February 2027 would fall outside the statutory 56-day period, Wednesday, 10 February 2027 at 6.00pm at the Hyden Community Resource Centre, provided that date falls within the statutory period; or
   c) where Council does not accept the 2025–2026 Annual Report in sufficient time for either of the dates specified in paragraphs 2(a) or 2(b), a date selected by Council when it considers the Annual Report.
3. Notes that, if paragraph 2(b) applies, the February 2027 Ordinary Council Meeting will be rescheduled from Wednesday, 17 February 2027 at the Karlgarin Country Club to Wednesday, 10 February 2027 at 4.00pm at the Karlgarin Country Club.
4. Notes that, where paragraph 2(c) applies, Council may select the date, time and venue for the Annual Meeting of Electors as part of the resolution accepting the 2025–2026 Annual Report, without requiring a separate report.
5. Adopts the 2027 schedule of Audit, Risk and Improvement Committee meetings set out in Table 3, with each meeting commencing at 8.00am at the Hyden Community Resource Centre.
6. Notes that the Audit, Risk and Improvement Committee may request changes to its scheduled meeting dates to accommodate members' availability, with any change to be published on the Shire's official website as soon as practicable.
7. Requests the Chief Executive Officer to:
   a) publish the adopted 2027 meeting schedule on the Shire's official website before the beginning of 2027;

b) give notice of any change to the date, time or venue of an Ordinary Council Meeting or committee meeting as soon as practicable; and

c) convene the Annual Meeting of Electors in accordance with section 5.29 of the *Local Government Act 1995*.

SUMMARY

Council is requested to adopt the schedule of Ordinary Council Meetings and Audit, Risk and Improvement Committee meetings for 2027 and to select alternative dates for the 2025–2026 Annual Meeting of Electors.

It is proposed that Council hold 11 Ordinary Council Meetings during 2027, on the third Wednesday of each month from February to December, with no meeting in January. The established rotation between Kondinin and Hyden would continue, together with one meeting at Karlgarin.

Four Audit, Risk and Improvement Committee meetings are also proposed. The dates have been scheduled, as far as practicable, around the district's seeding and harvest periods and the Shire's audit and statutory reporting cycle.

The preferred date for the Annual Meeting of Electors is Wednesday, 17 February 2027. However, the meeting must be held no more than 56 days after Council accepts the 2025–2026 Annual Report. As the Annual Report cannot be accepted until the Auditor General's report is available, the recommendation provides alternative arrangements so that a further standalone report is not required unless neither of the proposed dates is available.

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

Ordinary Council Meetings

Council has generally met on the third Wednesday of each month, with no Ordinary Council Meeting held in January. Meetings rotate between Hyden and Kondinin, with one meeting held at Karlgarin each year.

The proposed schedule maintains the venues and 4.00pm commencement time adopted by Council for 2026 under Resolution 4661 of 19 November 2025.

None of the proposed meeting dates falls on a Western Australian public holiday.

Table 1: Proposed 2027 Ordinary Council Meetings

All meetings commence at 4.00pm.

Month	Date	Venue	Comment
January	No meeting	Not applicable	
February	Wednesday, 17 February 2027	Karlgarin Country Club	May be rescheduled to 10 February 2027 at the Hyden Community Resource Centre if required to accommodate the Annual Meeting of Electors
March	Wednesday, 17 March 2027	Hyden Community Resource Centre	
April	Wednesday, 21 April 2027	Kondinin Shire Chambers	
May	Wednesday, 19 May 2027	Hyden Community Resource Centre	
June	Wednesday, 16 June 2027	Kondinin Shire Chambers	
July	Wednesday, 21 July 2027	Hyden Community Resource Centre	
August	Wednesday, 18 August 2027	Kondinin Shire Chambers	
September	Wednesday, 15 September 2027	Hyden Community Resource Centre	Falls within the anticipated election caretaker period
October	Wednesday, 20 October 2027	Kondinin Shire Chambers	First Ordinary Council Meeting following the 16 October 2027 election
November	Wednesday, 17 November 2027	Hyden Community Resource Centre	
December	Wednesday, 15 December 2027	Kondinin Shire Chambers	

Annual Meeting of Electors

The Shire has traditionally held its Annual Meeting of Electors at 6.00pm following the February Ordinary Council Meeting.

Under section 5.27(2) of the *Local Government Act 1995*, the Annual Meeting of Electors must be held no more than 56 days after Council accepts the Annual Report for the preceding financial year.

Council must accept the Annual Report by 31 December unless the auditor's report is not available in sufficient time. Where the auditor's report is unavailable, Council must accept the Annual Report no later than two months after the auditor's report becomes available.

At the time of preparing this report, the Shire had not been advised when the Auditor General's report for the 2025–2026 financial year would be received. Consequently, it is not yet possible to determine which meeting date will satisfy the statutory 56-day requirement.

The recommendation therefore establishes the following arrangements:

- 17 February 2027 remains the preferred date where it falls within 56 days after Council accepts the Annual Report;
- 10 February 2027 will apply where 17 February is too late but 10 February remains within the statutory period; and

- where neither date is suitable, Council will select an alternative date when it considers the Annual Report.

This approach avoids the need for a separate report solely to reschedule the Annual Meeting of Electors.

Table 2: Annual Meeting of Electors arrangements

Circumstance	Annual Meeting of Electors	Related arrangement
17 February 2027 falls within 56 days after Council accepts the Annual Report	Wednesday, 17 February 2027 at 6.00pm at the Karlgarin Country Club	Held following the scheduled February Ordinary Council Meeting
17 February 2027 is outside the 56-day period, but 10 February 2027 remains compliant	Wednesday, 10 February 2027 at 6.00pm at the Karlgarin Country Club	The February Ordinary Council Meeting moves to 4.00pm on the same date and at the same venue
Neither 10 February nor 17 February 2027 is suitable	Date, time and venue selected by Council when it considers the Annual Report	The selection is included in the Annual Report resolution without requiring a separate report

If Council accepts the Annual Report on 16 December 2026, an Annual Meeting of Electors held on 17 February 2027 would fall outside the 56-day statutory period. In that circumstance, the Annual Meeting of Electors would be held on Wednesday, 10 February 2027 at 6.00pm at the Hyden Community Resource Centre.

To preserve the Shire's usual practice of holding the Annual Meeting of Electors following an Ordinary Council Meeting, the February Ordinary Council Meeting would also move to 10 February 2027 at 4.00pm at the same venue.

This would be consistent with the approach taken in 2026, when the February Ordinary Council Meeting and Annual Meeting of Electors were held on 11 February.

If Council accepts the Annual Report before 16 December 2026 and neither 10 nor 17 February satisfies the statutory period, Council will select an earlier date as part of the resolution accepting the Annual Report.

If the Annual Report is not accepted until February 2027, Council can select a suitable date in March or April when considering the Annual Report. This avoids the need to prepare a separate report for the sole purpose of fixing the Annual Meeting of Electors.

Under section 5.29 of the Act, the Chief Executive Officer must give at least 14 days' local public notice of the date, time, place and purpose of the Annual Meeting of Electors. If the meeting is to be held on 10 February 2027, notice must be given no later than Wednesday, 27 January 2027.

Audit, Risk and Improvement Committee

The date, time and place of committee meetings must be published on the Shire's official website before the beginning of the year in which the meetings are held. The proposed 2027 Audit, Risk and Improvement Committee dates are therefore included in this report rather than being deferred until the Committee's first meeting of 2027.

It is proposed that all Committee meetings be held at the Hyden Community Resource Centre, commencing at 8.00am. Each meeting is scheduled approximately one to two weeks before an Ordinary Council Meeting so that the Committee's recommendations can be presented to Council without unnecessary delay.

As far as practicable, the proposed dates avoid the district's busiest agricultural periods. Seeding generally occurs from late April to June, while harvest generally occurs from late October to December.

Table 3: Proposed 2027 Audit, Risk and Improvement Committee meetings

All meetings will commence at 8.00am at the Hyden Community Resource Centre.

Date	Principal business and timing
Tuesday, 2 February 2027	Review of the 2026 Compliance Audit Return before presentation to Council in February and submission by 31 March 2027
Tuesday, 13 April 2027	Risk management, internal controls and audit planning before the 21 April 2027 Ordinary Council Meeting
Tuesday, 10 August 2027	Mid-year review following seeding and before the anticipated election caretaker period and the 18 August 2027 Ordinary Council Meeting
Tuesday, 7 December 2027	Consideration of the audited annual financial report and auditor's report before the 15 December 2027 Ordinary Council Meeting, subject to those documents being available

The December meeting cannot readily avoid the harvest period because its timing depends on completion of the external audit and receipt of the Auditor General's report. If the relevant audit documents are unavailable, the meeting may need to be rescheduled or a special meeting convened.

The Committee may request changes to accommodate members' availability. Any change to an adopted meeting date, time or venue will be published on the Shire's official website as soon as practicable.

Council member appointments to the Committee will be reviewed following the 2027 local government ordinary election and before the Committee's December meeting.

2027 Local Government Ordinary Election

The local government ordinary election is scheduled for Saturday, 16 October 2027. Subject to confirmation by the Western Australian Electoral Commission, candidate nominations are expected to close at 4.00pm on Thursday, 2 September 2027.

The caretaker period commences when nominations close and ends when the election result is declared. During that period, the Shire must not undertake a significant act.

Significant acts include:

- making a local law;
- entering into or renewing the employment contract of the Chief Executive Officer or a senior employee;
- entering into a major land transaction;
- commencing a major trading undertaking; and
- entering into prescribed contracts or inviting prescribed tenders.

The Ordinary Council Meeting scheduled for 15 September 2027 will fall within the anticipated caretaker period. Matters involving significant decisions should therefore be presented to the 18 August 2027 meeting where practicable or deferred until after the election. Agenda planning for the second half of 2027 will take this restriction into account.

The 20 October 2027 meeting will be the first Ordinary Council Meeting following the election. The offices of Shire President and Deputy Shire President will be filled at that meeting. Council will also review committee appointments, including membership of the Audit, Risk and Improvement Committee, and appointments to external bodies.

FINANCIAL

The costs associated with public notice, meeting venues and catering are routine governance expenses and will be met from the relevant allocation in the adopted 2026–2027 Budget.

Provision for meetings held from July 2027 will be included in the 2027–2028 Budget.

RISK

Risk	Rating	Treatment
The Annual Meeting of Electors is held more than 56 days after Council accepts the Annual Report, resulting in non-compliance with section 5.27(2) and a reportable matter in the Compliance Audit Return	Low	Council selects alternative dates in advance and, if neither is suitable, selects another date when considering the Annual Report
Committee meeting dates conflict with members' commitments, including seeding and harvest	Low	Meetings are scheduled around farming periods where practicable, with any change published in accordance with regulation 12(3)
Significant decisions are scheduled for the 15 September 2027 meeting during the caretaker period	Low	Significant matters are presented to Council in August where practicable or deferred until after the election

POLICY

There are no direct policy implications.

STATUTORY

Local Government Act 1995

Establishes the requirements for scheduling Ordinary Council Meetings, holding the Annual Meeting of Electors within 56 days of accepting the Annual Report, providing public notice, considering decisions made at an electors' meeting, establishing the Audit, Risk and Improvement Committee, and observing restrictions during the local government election caretaker period. It also provides for the election of the Shire President and Deputy Shire President following an ordinary election.

Local Government (Administration) Regulations 1996

Requires the Shire to publish the dates, times and locations of Ordinary Council and committee meetings on its official website before the start of the calendar year and to publish any subsequent changes as soon as practicable. It also prescribes the order of business for the Annual Meeting of Electors.

Local Government (Audit) Regulations 1996

Requires the Audit, Risk and Improvement Committee to review the annual Compliance Audit Return before it is adopted by Council and submitted by 31 March. The Regulations also prescribe the Committee's audit, risk-management and internal-control functions, but do not prescribe how frequently the Committee must meet.

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 meeting schedule retains Council's established third-Wednesday meeting cycle and the rotation of meetings between communities across the district.

The timing of the Annual Meeting of Electors remains dependent on Council's acceptance of the 2025–2026 Annual Report, which cannot occur until the Auditor General's report is available. Selecting alternative meeting dates now reduces the risk of non-compliance with the statutory 56-day period and avoids the need for a separate report solely to reschedule the meeting.

Where neither 10 nor 17 February 2027 is suitable, Council can select another date as part of its consideration of the Annual Report. This provides sufficient flexibility while preserving Council's statutory responsibility to select the date of the Annual Meeting of Electors.

The proposed Audit, Risk and Improvement Committee schedule aligns the Committee's work with Council's meeting cycle and, where practicable, avoids the district's principal seeding and harvest periods.

12.4.2 Disposal of Shire-Owned Assets and Infrastructure at Lot 25921 Kondinin-Hyden Road, Kondinin - Community Consultation

FILE NUMBER:

DATE: 12 November 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:

1. Community Consultation Submission - Mr Gerard Lynch - *Under Separate Cover*
2. Draft Deed of Sale, Termination and Access - Draft - *Confidential Under Separate Cover*
3. Email - Mr Joe Collard - *Confidential Under Separate Cover*

RECOMMENDATION

That Council:

1. Notes that one submission, from Mr Gerard Lynch, was received during the voluntary community consultation period conducted from 1 October to 16 October 2026, and that no other submission or expression of interest was received.
2. Notes that:
    a) an on-site assessment undertaken by Mr Joseph Collard, licensed plumber, assessed the market value of the pumping equipment at between $3,500 and $5,000;
    b) market research into comparable second-hand water tanks indicates that the two tanks have a combined market value of no more than $10,000; and
    c) the total market value of the assets is therefore assessed at no more than $15,000, with the proposed disposal consequently being an exempt disposition under regulation 30(3)(a) of the *Local Government (Functions and General) Regulations 1996*.
3. Accepts the offer of $5,000 excluding GST from Willachy Pty Ltd for Shire asset 12013, comprising the bore pump, compressor, controller, water tanks, pipework and associated infrastructure situated on Lot 25921 on Deposited Plan 160038, Kondinin–Hyden Road, Kondinin, having regard to the following:
    a) the pumping equipment is approximately 15 years old and has an assessed second-hand market value of between $3,500 and $5,000;
    b) the infrastructure is situated on privately owned land over which the Shire holds no easement, and the landowner has advised that it will not grant an easement;
    c) there is no active second-hand market for used water tanks of this size, and the cost and practical difficulty of dismantling, transporting, relining and re-erecting the tanks significantly reduce their value to any purchaser other than the landowner;
    d) Willachy Pty Ltd is the only practical purchaser of the assets in their current location and has advised that it will not increase its offer;
    e) the Shire incurred expenditure of approximately $10,698 in relation to the

infrastructure during 2025–2026 but has not drawn water from the bore since 2022;

f) having considered Mr Lynch's submission, Council is satisfied that the original installation cost does not determine the assets' current market value; and

g) the proposed deed preserves emergency access to water from the bore for the Shire, local bush fire brigades and the Department of Fire and Emergency Services.

4. Approves the Deed of Sale, Termination and Access with Willachy Pty Ltd and:

a) authorises the Chief Executive Officer to agree to amendments that do not materially alter the terms of the transaction or reduce the emergency access rights retained by the Shire; and

b) pursuant to sections 9.49A(4) and 9.49A(5) of the *Local Government Act 1995*, authorises the Chief Executive Officer to execute the document as a deed on behalf of the Shire of Kondinin.

SUMMARY

Council has previously considered, but not accepted, two offers from Willachy Pty Ltd to purchase the Shire-owned bore infrastructure situated on Lot 25921 on Deposited Plan 160038, Kondinin–Hyden Road, Kondinin.

When Council considered the revised offer in September 2026, Council members expressed the view that the community should be given an opportunity to comment before a final decision was made. Although public consultation was not required under section 3.58 of the *Local Government Act 1995*, the Shire voluntarily advertised the proposed disposal from 1 October to 16 October 2026.

One submission was received, from Mr Gerard Lynch. The submission did not oppose the proposed disposal but questioned whether the offered price represented fair compensation for the public funds originally invested in the infrastructure. No reasonable estimate of fair compensation was provided.

No other submission or expression of interest was received. Willachy Pty Ltd has subsequently confirmed that its offer of $5,000 excluding GST is final.

A licensed plumber inspected the infrastructure and assessed the market value of the pumping equipment at between $3,500 and $5,000. Market research identified no active second-hand market for corrugated steel water tanks of this size. Having regard to the age, condition, location and costs associated with dismantling and relocating the tanks, the total market value of all assets is assessed at no more than $15,000.

The Shire continues to incur costs in maintaining infrastructure from which it has not drawn water since 2022. The proposed sale would end the Shire's ongoing maintenance and renewal obligations while preserving emergency access to water from the bore under the proposed Deed of Sale, Termination and Access.

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

Infrastructure and agreements

In 2011, the Shire installed a bore pump, two steel water tanks with a capacity of approximately 104,000 litres each, pipework and associated infrastructure on Lot 25921. The recorded cost of the installation was $26,683, and the pumping equipment was commissioned on 6 November 2011.

The installation was undertaken under an agreement with the owners of the property at that time, which Council endorsed in May 2011. The associated Council report recorded that funding under the Department of Agriculture's Dry Seasons program was expected to contribute towards the cost of the tanks. No record has been identified indicating that the funding arrangements restrict the disposal of the infrastructure.

Following the acquisition of the property by Willachy Pty Ltd, Council approved an amended agreement in September 2022 under Resolution 3996. Clause (e) of that agreement confirms that the pump, pipework and water tanks remain the property of the Shire.

The agreement provides the Shire with limited use of the infrastructure. The Shire may draw water only for emergency purposes and must first notify the landowner. By contrast, the landowner may access the water at any time for domestic and agricultural use.

The roadside standpipe was removed in 2022, and the bore no longer provides a water supply to the broader community. Despite this, the Shire remains responsible for servicing the infrastructure, monitoring water levels and salinity, meeting half of the electricity and servicing costs, and funding the eventual renewal of the Shire-owned assets.

The infrastructure is located on privately owned land, and the Shire does not hold an easement over the property. The landowner has advised that it will not grant an easement. The agreement has no specified expiry date and may be terminated only by mutual agreement.

The Shire has not drawn water from the bore since 2022.

Previous Council consideration

At its meeting held on 25 March 2026, Council considered an offer from Willachy Pty Ltd to purchase the assets for $2,000 excluding GST. The motion to accept the offer was lost 0/7. During consideration of the matter, Council members referred to the original installation cost of approximately $26,000.

Willachy Pty Ltd subsequently increased its offer to $5,000 excluding GST. Council considered the revised offer at its meeting held on 23 September 2026. The motion to accept the revised offer was also lost 0/7.

During debate on the September 2026 item, Council members expressed the view that the community should be provided with an opportunity to comment before Council made a final decision. The Chief Executive Officer advised that the proposed sale would be advertised, an updated assessment of market value would be obtained and any submissions received would be reported to Council.

Community Consultation

Public consultation was not legally required because the assessed market value of the assets is below $20,000. A disposal of property other than land with a market value below that amount is exempt from section 3.58 of the *Local Government Act 1995* under regulation 30(3)(a) of the *Local Government (Functions and General) Regulations 1996*.

Nevertheless, the Shire undertook voluntary consultation in response to the views expressed by Council members in September 2026 and to provide the community with an opportunity to comment before Council made a final decision.

A notice titled "Disposal of Property: Tanks, Bore Pump and Water Pipes" was published on 1 October 2026 through the following channels:

- the Shire's public noticeboards;
- the Shire's social media;
- the *Kondinin Echo*; and
- the *Hyden–Karlgarin News*.

The notice advised that the Shire proposed to dispose of two water tanks, a bore pump and associated water pipes situated on Lot 25921 on Deposited Plan 160038, Kondinin–Hyden Road. It identified Willachy Pty Ltd as the proposed purchaser and stated that the consideration was $5,000 excluding GST.

Written submissions were invited by email, post or delivery to the Shire Administration Centre. The submission period closed at 4.00pm on Friday, 16 October 2026.

The notice was open for 15 days. It sought public comment on the proposed disposal to an identified purchaser and did not constitute an invitation to tender or an auction. The notice did not include a market valuation because section 3.58 did not apply to the exempt disposition.

Submission received

One submission was received, from Mr Gerard Lynch, at 12.10pm on 16 October 2026 and therefore within the advertised submission period.

Mr Lynch did not object to the proposed sale and acknowledged the additional water infrastructure developed by the Shire in recent years. However, he expressed the view that the proposed consideration was substantially below the amount originally invested by ratepayers and requested that the Shire seek a fair and reasonable price.

The submission did not propose an alternative purchase price, a suggested fair price and did not include an offer to purchase the assets.

No other submission or expression of interest was received.

The original offer from Willachy Pty Ltd had previously increased from $2,000 to $5,000 excluding GST. Following the consultation period, Willachy Pty Ltd confirmed that it would not increase its offer further.

Market Value

The market value of second-hand infrastructure is determined by its present condition, remaining service life, location, demand and the costs that a purchaser would incur in taking possession of and reusing the assets. The original installation cost does not, by itself, establish present market value.

Pumping equipment

Mr Joseph Collard, a licensed plumber, inspected the infrastructure in November 2026.

The pumping equipment comprises an Airwell AW10 solar-powered air-displacement bore pump, air compressor, solar pump controller and monitoring equipment.

Mr Collard considered advertised second-hand prices for comparable equipment, including a used Airwell system with a compressor and pipework advertised for $2,000 excluding GST. He also considered the likely second-hand value of the compressor, which he estimated at between $500 and $1,000.

On that basis, Mr Collard assessed the market value of the complete pumping equipment at between $3,500 and $5,000.

Mr Collard is the only licensed plumber based within the Shire. In common with many local landowners, Willachy Pty Ltd has previously engaged him to undertake plumbing work. Mr Collard has

confirmed that he has no financial or other interest in the proposed sale and has not been engaged to service, remove or replace the assets.

Water tanks

The market value of the two water tanks was assessed through desktop market research, which is listed in the References section of this report. The research is provided as a guide and does not constitute a formal valuation.

No completed sale with a published price could be identified for a directly comparable used tank. No large used farm water tanks of a comparable capacity were identified as being currently advertised for sale.

The nearest available market evidence included:

- two used 125,000-litre water tanks sold at a Victorian clearing sale in October 2023, subject to the purchaser dismantling and removing the tanks, although the sale prices were not published; and
- used industrial steel tanks with capacities between approximately 50,000 and 170,000 litres sold at a Karratha auction in 2020 for between $500 and $3,000 each, with purchasers responsible for removal.

A third-party purchaser of the Shire's tanks would be required to:

- dismantle the tanks on private property;
- transport the component parts from the site;
- inspect or replace the liners;
- replace any damaged or unserviceable components;
- prepare compliant pads at the new location;
- re-erect the tanks; and
- reconnect the associated pipework.

The purchaser would not receive the benefit of the manufacturer's warranty because the warranty applies to the original purchaser and to tanks installed by the manufacturer or its approved contractor.

Market research indicates an upper estimated value of between $3,000 and $5,000 for each tank, subject to its condition and the purchaser assuming all dismantling, removal, transport and reinstallation costs.

On the upper end of the identified ranges, the total market value of the pumping equipment and tanks would be no more than $15,000.

Replacement cost

Published supplier prices indicate that a new tank of comparable capacity would cost approximately $20,000 to $32,000 to supply and install in Kondinin. Replacing both tanks would therefore cost approximately $40,000 to $64,000 excluding GST.

Replacement cost is relevant to the Shire's future financial exposure if it retains the assets. However, it does not represent the amount that a purchaser would pay for the existing 15-year-old tanks in their present location.

Previous valuation

The only earlier valuation identified was a desktop valuation undertaken by Asset Valuation Advisory in 2023 for financial reporting purposes. That valuation assessed the fair value of the combined asset at $20,000.

The valuation was prepared without a site inspection and was not undertaken to determine the price that the assets could achieve if sold in their current location. It therefore serves a different purpose from the market assessment required for the proposed disposal.

For additional context, the Australian Taxation Office's 2025 effective-life determination assigns a seven-year effective life to bore pumps used in agriculture. The Shire's pumping equipment is approximately 15 years old.

Asset Accounting

The infrastructure is recorded in the Shire's asset register as asset 12013, "Wests Bore". It was first recognised in the Shire's accounts in June 2012 at a cost of $26,683.

Subsequent asset revaluations restated its carrying amount to $21,000 in 2018 and $20,000 in 2023. Since July 2023, the combined asset has been depreciated at a rate of 2.5% per annum.

The written-down value of the asset at 31 October 2026 was $18,332.

The asset register records the pump, tanks, pipework and bore as a single asset and applies one depreciation rate, notwithstanding that the components have different useful lives. The Finance team will review the asset components and depreciation treatment as part of the 2026–2027 year-end process.

The written-down value is an accounting measure. It does not establish the amount that the assets could reasonably achieve in an open-market sale.

Proposed Deed

A draft Deed of Sale, Termination and Access has been prepared and referred for consideration.

The proposed deed:

- transfers the assets to Willachy Pty Ltd on an "as is, where is" basis;
- terminates the agreement dated 25 October 2022;
- provides for the settlement of shared operating and maintenance costs up to the completion date;
- grants the Shire, local bush fire brigades and the Department of Fire and Emergency Services a continuing right to take water from the bore without charge during an emergency; and
- requires Willachy Pty Ltd to ensure that any future purchaser of the property enters into an equivalent deed preserving those emergency access rights.

The continuing emergency access provided under the deed forms part of the overall consideration received by the Shire in connection with the disposal.

FINANCIAL

Item	Amount
Proposed sale consideration	$5,000 excluding GST
Proposed sale consideration including GST	$5,500
Assessed market value of pumping equipment	$3,500–$5,000
Indicative market value of tanks	Up to $3,000–$5,000 each
Estimated total market value	No more than $15,000
Written-down value at 31 October 2026	$18,332
Estimated accounting loss on disposal	Approximately $13,250
Revaluation surplus attributable to the asset	$6,681
Expenditure incurred during 2025–2026, including staff inspections	Approximately $10,698

Item	Amount
Estimated cost of two new equivalent tanks, installed	Approximately $40,000–$64,000

The accounting loss on disposal is a non-cash expense arising from the difference between the asset's written-down value and the sale consideration.

The revaluation surplus attributable to the asset will be transferred directly to accumulated surplus and will not affect the Shire's operating result.

The cost of obtaining legal advice and finalising the deed will be met from the relevant allocation in the adopted 2026–2027 Budget.

Pumping equipment – price evidence

Mr Collard's assessment is based on the second-hand prices below. No published price for a new Airwell system could be found; Airwell Group in Perth supplies its systems on quotation.

Item	Source	Price
Used Airwell pump with compressor and 40 m of pipe	Farm Tender listing, Carisbrook VIC, March 2022	$2,000 excl GST ($2,200 incl GST)
Second-hand air compressor	Mr Collard's estimate	$500–$1,000
Pumping equipment in place: pump, compressor, solar pump controller and monitor	Mr Collard's assessment, November 2026	$3,500–$5,000
New replacement Airwell system	Airwell Group, Perth	Price on application

Costs reported to Council in previous reports

The figures below were reported to Council in earlier reports on this matter and are repeated here for reference.

Report	Item	Amount
September 2022	Annual power cost paid by the Shire, before cost sharing with the landowner	About $1,200
September 2022	Annual servicing cost paid by the Shire, before cost sharing with the landowner	About $3,210
March 2026	2023 desktop valuation, fair value	$20,000
March 2026	Expenditure 2025–26: power, servicing and maintenance	$10,698.45
September 2026	Supply and installation, 2011 (estimated life 15 years)	$26,683
September 2026	Estimated operating costs 2011–2026 ($5,000 a year)	$75,000
September 2026	Estimated total lifecycle cost 2011–2026	$101,683
September 2026	Estimated operating costs 2026–2036 ($10,698 a year)	$106,980
September 2026	Estimated renewal cost, 2026 (midpoint of $40,000–$60,000)	$50,000
September 2026	Estimated savings from disposal, 2026–2036	$156,980

The September 2026 figures are estimates. The 2025–26 expenditure includes weekly site inspections by Shire staff, so it is not entirely a cash cost. The September 2026 renewal estimate covered the

whole system. Current supplier pricing indicates that replacing the two tanks alone would cost about $40,000 to $64,000, so that estimate is conservative.

RISK

Risk	Assessment and treatment
Reputational	**Low to medium.** The proposed disposal to the landowner may be perceived as preferential, particularly because the offered price is substantially below the cost of equivalent new tanks. This risk has been addressed through voluntary community consultation, an on-site assessment, disclosure of the assessor's previous work for the landowner, market research and the recording of Council's reasons for its decision.
Compliance	**Low.** The exemption under regulation 30(3)(a) depends on the market value of the assets being below $20,000. The combined assessed value of the pumping equipment and tanks is no more than $15,000.
Emergency access	**Low to medium.** The Shire does not hold an easement, and the proposed deed will bind the current landowner rather than operating as a registered interest in the land. The deed mitigates this risk by requiring a future purchaser to enter into an equivalent deed preserving emergency access.
Asset accounting	**Low.** The infrastructure is currently recorded as one asset and depreciated at a single rate despite the different useful lives of its components. Finance will review the asset structure and depreciation treatment as part of the year-end process.
Retention of the assets	**Medium.** Retaining the assets would expose the Shire to continuing inspection, servicing and operating costs, eventual tank replacement costs estimated at between $40,000 and $64,000, and liability arising from the deterioration or failure of Shire-owned infrastructure situated on private land.

POLICY

There are no direct policy implications.

STATUTORY

Local Government Act 1995
Section 3.58 establishes the requirements applying to the disposal of local government property, including disposal by public auction, public tender or local public notice, unless the disposition is exempt under the Regulations.

Sections 9.49A(4) and 9.49A(5) allow Council to authorise a person to execute documents on behalf of the Shire and to authorise that person to execute a document as a deed.

Sections 5.23(2)(c) and 5.23(2)(e)(iii) permit Council to close a meeting to members of the public when considering information relating to a contract that may be entered into or the business affairs of a person.

Local Government (Functions and General) Regulations 1996
Regulation 30(3)(a) provides an exemption from section 3.58 for the disposal of property other than land where the market value of the property is less than $20,000.

The assessed market value of the assets is no more than $15,000. The proposed disposal is therefore exempt from section 3.58, and the October 2026 consultation was undertaken voluntarily rather than as a statutory public-notice process.

Australian Accounting Standards Board Standard AASB 116
AASB 116, *Property, Plant and Equipment*, requires significant asset components with different useful lives to be depreciated separately and requires residual values, useful lives and depreciation methods to be reviewed regularly.

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced Local Government

Strategy

4.1.2 We are inclusive and our communities feel heard

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

The proposed disposal would remove an ongoing maintenance and renewal obligation associated with infrastructure that no longer provides a general community water service and has not been used by the Shire since 2022.

The deed would preserve access to the bore for emergency purposes while transferring responsibility for the ownership, maintenance and eventual replacement of the infrastructure to the landowner.

COMMENT

Council has now received the additional information requested when it considered the matter in September 2026.

The community was given an opportunity to comment, notwithstanding that the proposed disposal is exempt from the statutory process under section 3.58. One submission was received. The submission questioned whether the price adequately reflected the original public investment but did not oppose the disposal, propose an alternative value or include an offer to purchase the assets.

The original cost of the infrastructure is relevant to the history of the asset but does not determine its current market value. The existing infrastructure is approximately 15 years old, is situated on private land without the benefit of an easement and would be costly for a third party to dismantle, transport and re-establish. These factors materially reduce its value in the second-hand market.

No alternative purchaser has expressed an interest, and Willachy Pty Ltd has confirmed that it will not increase its offer. The proposed purchaser is also the only party able to acquire the assets in their current location without incurring substantial removal and relocation costs.

Retention would require the Shire to continue maintaining infrastructure that it has not used since 2022 and would expose the Shire to eventual replacement costs estimated at between $40,000 and $64,000 for the tanks alone.

Although the monetary consideration is below the assessed upper market value, the transaction must be considered as a whole. In addition to the payment of $5,000 excluding GST, the Shire would be released from its ongoing maintenance, operating and asset-renewal obligations, while retaining emergency access to the bore under the proposed deed.

On balance, the proposed disposal represents a reasonable and practical outcome for the Shire.

CONSULTATION

The proposed disposal was advertised from 1 October to 16 October 2026 through the Shire's public noticeboards, social media, the *Kondinin Echo* and the *Hyden–Karlgarin News*.

One submission was received. No other submission, objection, alternative proposal or expression of interest was received.

Willachy Pty Ltd was contacted following the consultation period and confirmed that its offer of $5,000 excluding GST was final.

REFERENCES

The following sources informed this report. Market research is provided as contextual information only and does not constitute a formal valuation.

Legislation, accounting and valuation references

1. *Local Government Act 1995*, sections 3.58, 5.23 and 9.49A.
2. *Local Government (Functions and General) Regulations 1996*, regulation 30.
3. AASB 116, *Property, Plant and Equipment*.
4. *Income Tax Assessment (Effective Life of Depreciating Assets) Determination 2025*.
5. Income Tax Assessment (Effective Life of Depreciating Assets) Determination 2025. Agriculture water assets list bore pumps at 7 years, other pumps at 12, bores at 30, steel tanks at 25, poly tanks at 15 and concrete tanks at 30. The Water Supply industry section lists pump sets at 25 years.
6. Instrument downloads, F2025L01097 and instrument text page.
7. Notice of withdrawal of TR 2022/1 (F2025N00859). The earlier ATO ruling was withdrawn on 31 October 2025.
8. ATO – Effective life determinations, rulings and law.

Pumping equipment

1. Farm Tender – used Airwell pump listing. Used Airwell pump with compressor and 40 m of pipe, asking $2,000 plus GST, Carisbrook VIC, listed March 2022. Cited by Mr Collard.
2. Farm Tender – Airwell pump listings. One listing found (the Carisbrook listing above); no new systems advertised.
3. Airwell Group – products. Pumps, compressors, solar controllers and monitoring; no published prices.
4. Wilken Plumbing – Airwell pumps. Supply and maintenance of Airwell pumps; quote only.

Tanks: new prices (replacement cost only)

These prices were compiled by Shire staff from supplier websites:

1. Perth Water Tanks – Kingspan Rhino RT-100. $13,000–$14,570, excluding delivery.
2. Heritage Water Tanks – water tank prices. $14,000–$17,000 for 100,000–150,000 L, basic installation included.
3. Get Tanked – 100,000 L Rhino. $13,780 including GST, on-site construction.
4. Kingspan Rhino – RT-100, 104,250 L and Rhino Tanks – RT-100. Quote required.
5. The estimated delivered and installed cost in Kondinin across these suppliers is $20,000–$32,000 per tank excluding GST, or about $40,000–$64,000 for two.

Tanks: second-hand sales and listings

1. AuctionsPlus – Lot 13, 125,000 L water tank, Nevas Farms (Elders Ballarat). Used; sold 16 October 2023; buyer to dismantle and remove; price not published.

2. AuctionsPlus – Lot 14, 125,000 L water tank, Nevas Farms. Used; sold 16 October 2023; price not published.
3. Auctions.com.au – Industrial steel storage tanks, Karratha WA, February 2020. 23 used steel tanks of 50,000–170,000 L sold for $500–$3,000 each, buyer to arrange crane and transport. These were industrial tanks, not farm water tanks.
4. Grays – 2 x corrugated steel water tanks (Kingspan). The lot details wouldn't load.
5. Farm Tender – tanks for sale. No used farm water tanks of 50,000 L or more; stainless industrial tanks of 50,000–105,000 L asking $15,000–$16,000 plus GST, which aren't comparable.
6. Farm Machinery Sales – tanks. No used water tanks of 50,000 L or more.
7. Gumtree searches: corrugated tank, old water tank and used water tanks, Perth. No used steel tanks over 20,000 L; the largest listings were new poly tanks up to 30,000 L.
8. Machineseeker – 100,000 L storage tank. European industrial tank, not comparable.
9. Farm Weekly – Jilakin clearing sale, February 2024. No static tanks or pumps reported.

Tanks: removal, relocation and relining

1. Kingspan Water Tanks – rural owner's manual. The 20-year pro rata warranty applies only to tanks installed by Kingspan or its contractor, and to the original purchaser; anodes need replacing every 5 years; tanks can last more than 20 years with maintenance.
2. WA Tanks – old water tank removal and disposal. Steel farm tank removal takes about a day; the liner is removed as waste; quote only.
3. MAC Tanks – tank deconstruction and relocation. Relocation available; quote only.
4. Pioneer Water Tanks WA – liner tanks. Relining available; quote only.
5. Bluewater Tanks – steel liner tank refurbishments. New liners for existing tanks; quote only.
6. Raven Liners – tank liner cost guide (2026). Cost factors only; no prices.
7. Coerco – water tanks cost and pricing guide and Oneflare – water tank costs. General guides for new tanks only.

12.4.3 Attendance at Events Policy - Review of GOV-006

FILE NUMBER:

DATE: 12 November 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Impartiality. The policy includes roles and responsibilities assigned to the Chief Executive Officer. The obligations are clearly articulated within the prescribed legislation.

Authoriser - Impartiality. The policy includes roles and responsibilities assigned to the Chief Executive Officer. The obligations are clearly articulated within the prescribed legislation.

ATTACHMENTS:

1. Attendance at Events Policy - Draft - *Under Separate Cover*
2. Attendance at Events Policy - Chart of Amendments - *Under Separate Cover*

RECOMMENDATION

That Council by Absolute Majority:

1. Adopts, under section 5.90A(3) of the *Local Government Act 1995*, the amended Attendance at Events Policy (Attached), and revokes Policy GOV-006 Attendance at Events (Resolution 3947, 15 June 2022);
2. Delegates to the Chief Executive Officer, under section 5.42 of the Act, the authority to approve council member attendance at events in accordance with clause 5.4 of the Policy, and requires the delegation to be recorded in the Register of Delegations;
3. 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; and,
4. Authorises the Chief Executive Officer to update the Policy where legislation, regulations, or the names of bodies or positions referred to in it change, provided the update only corrects a reference or reflects a change that applies by law and does not alter the Policy's scope, approval authorities, approval criteria or payments. Each update is to be recorded in the Policy's document control and reported to Council at its next ordinary meeting. Any other change is to be presented to Council for adoption by absolute majority under section 5.90A(3) of the Act.

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

Section 5.90A of the Act, introduced with the 2019 gift reforms, requires every local government to adopt a policy on the attendance of council members and the CEO at events. When attendance is approved under that policy, a ticket or other gift relating to the event is an excluded gift: the donor does not become a closely associated person of the attendee for the purposes of the financial interest provisions (section 5.62(1B)). Approval does not remove the separate duty to disclose a gift over $300 within 10 days.

Council adopted GOV-006 on 15 June 2022 (Resolution 3947). The review found that GOV-006 lets the Shire President and Deputy Shire President approve attendance, although the Act requires approval by the local government, meaning Council or the CEO acting under delegation. Approvals given that way may not create an excluded gift. GOV-006 also covers employees and sets a $50 employee gift threshold, which belong in the Code of Conduct for Employees; allows partners' tickets to be paid without Council approval; implies approved tickets need not be disclosed; sets the council member disclosure trigger at $300 or more rather than more than $300; refers to a professional development policy and a clause 5 that do not exist; and has no review date or record of approvals.

The replacement policy uses the Shire's policy template. It was checked against the current Act and regulations, the Department of Local Government, Industry Regulation and Safety's guidance and template policy, and the policies of comparable local governments, including the Shires of Kulin, Merredin, Goomalling, Wyalkatchem and Denmark. Each change from GOV-006 and the reason for it is included in the attachments.

FINANCIAL

There is no direct cost. Attendance continues to be funded from existing budget allocations, including Members' Conference Expenses.

RISK

Risk	Under GOV-006	Under new policy	Treatment
Attendance approved by the President or Deputy is not approval by the local government, so the gift is not excluded and a member vote on a donor's matter with an undisclosed interest	High	Low	Approval by Council, or by the CEO under a s.5.42 delegation, only
Approved tickets over $300 are not disclosed or recorded in the Register of Gifts	Medium	Low	Clause 5.7 and Table 2 set out disclosure for every situation
Public money is spent on attendance or partners without a demonstrated benefit	Medium	Low	Approval criteria, adopted budget limit, Council approval for accompanying persons (r.32(1)(b))
The policy conflicts with employee gift rules in the Code of Conduct for Employees	Medium	Low	Scope limited to council members and the CEO

Risk	Under GOV-006	Under new policy	Treatment
The CEO cannot obtain approval for an invitation received between meetings	Low	Low	Events approved in advance (Attachment A); otherwise the CEO declines, self-funds or discloses the gift

POLICY

This relates to a policy update.

STATUTORY

Local Government Act 1995

Local Government (Administration) Regulations 1996

Local Government (Audit) Regulations 1996

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 replacement policy closes the compliance gaps in GOV-006 and gives council members and the CEO clear, workable rules. Adoption is recommended.

CONSULTATION

Audit, Risk and Improvement Committee

Administration

12.4.4 Procurement and Purchasing Policy Review

FILE NUMBER:

DATE: 12 November 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:

1. Procurement and Purchasing Policy - Draft - *Under Separate Cover*
2. Procurement and Purchasing Policy - Changes from FIN-005 - *Under Separate Cover*

RECOMMENDATION

That Council:

1. Adopts, under regulation 11A of the Local Government (Functions and General) Regulations 1996, the Procurement and Purchasing Policy at Attachment 1, excluding Schedule 1, and revokes Policy FIN-005 Purchasing (Resolution 4030, 26 October 2022), with both decisions to take effect on the commencement date specified under clause 22 of the Policy;
2. Notes that at its ordinary meeting on 10 November 2026, the Audit, Risk and Improvement Committee endorsed the adoption of the policy;
3. Endorses Schedule 1 of the Policy as the proposed Regional Price Preference Policy and authorises the Chief Executive Officer to give Statewide public notice of it under regulation 24E of those Regulations, inviting submissions for at least four weeks, with any submissions to be reported to Council before Schedule 1 is considered for adoption;
4. Determines $500,000 (excluding GST) as the amount for section 5.43(b) of the Local Government Act 1995, and delegates to the Chief Executive Officer under section 5.42 of the Act the authority to accept tenders up to that amount where the tender:
    a. is within the adopted budget;
    b. has been assessed as the most advantageous;
    c. is consistent with the tender specification;
    d. is free of material irregularity or unresolved conflict of interest; and
    e. does not concern a matter of strategic significance or fall outside the Shire's ordinary operations,

    with each acceptance reported to the next ordinary Council meeting and the delegation recorded in the Register of Delegations; noting that the continued operation of this delegation is to be presented to Council for review following any change in the substantive appointment to the office of Chief Executive Officer.
5. Authorises the Chief Executive Officer to make minor typographical, formatting, numbering and cross-referencing corrections that do not alter the Policy's intent or substantive effect;
6. Authorises the Chief Executive Officer to update references in the Policy where legislation, public bodies or Shire positions are renamed or renumbered, provided the update does not alter the Policy's meaning or substantive effect, with each update recorded in document

control and reported to Council at its next ordinary meeting. Any other amendment must be presented to Council for adoption, and any substantive amendment to Schedule 1 must comply with Part 4A of those Regulations where that Part applies; and

7. Notes that no local or regional price preference will apply from the revocation of FIN-005 until Schedule 1 has completed the process under Part 4A of those Regulations and commences on the date specified by Council.

SUMMARY

This report presents a rewritten Procurement and Purchasing Policy to replace Policy FIN-005 Purchasing.

FIN-005 contains outdated operational detail and WALGA drafting notes, incorrectly states the tender threshold, and lacks controls over key procurement risks including conflicts of interest, sole suppliers, emergency purchasing, contract variations and supplier bank-detail changes.

The new policy provides a framework proportionate to value and risk, with stronger evaluation, recordkeeping, contract management and assurance reporting to Council through ARIC. A regional price preference to support eligible local and RoeROC-region suppliers and regional content is included as Schedule 1, to be advertised and adopted separately through the statutory process. A comparison with FIN-005 is at Attachment 2.

At its ordinary meeting on 10 November 2026, the Audit Risk and Improvement Committee endorsed the policy and recommends that it is adopted by Council. The committee unanimously endorsed an amended motion to include at recommendation 3 the following, *noting that the continued operation of this delegation is to be presented to Council for review following any change in the substantive appointment to the office of Chief Executive Officer*.

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

FIN-005 is contained in the Shire of Kondinin Policy Manual (June 2025) and was last amended by Council on 26 October 2022 under Resolution 4030.

The policy sets quotation thresholds, a local price preference and purchase order limits. Much of it is operational rather than strategic, with references to triplicate purchase order books, named software, faxed quotations and superseded position titles, and WALGA drafting notes that were not intended to form part of an adopted policy.

FIN-005 states that public tendering is required for purchases of $250,000 and above. Regulation 11(1) applies where the consideration is more than $250,000. The existing policy is therefore more restrictive than the Regulations for a contract worth exactly $250,000.

The policy refers only generally to tender exemptions. Planning, contract splitting, conflicts of interest, variations, contract performance and assurance reporting are not addressed.

The existing local price preference applies only to purchases not sought by tender. Although the Policy Manual preface identifies FIN-005 as the Shire's regional price preference policy, the preference has not been through the statutory process required to apply it to tenders.

Given the extent of these issues, the policy has been rewritten rather than amended.

FINANCIAL

Adopting the policy has no material budget impact. The two Statewide notices for Schedule 1 can be met from the existing governance advertising budget.

Once Schedule 1 commences, an eligible supplier may be awarded a contract despite a higher actual price. The evaluation advantage is limited by the percentage rates and maximum reductions prescribed by regulation 24D.

Staff time will be needed for training, templates, the Contract Register, regional preference verification and assurance testing, and is expected to be managed within existing resources.

RISK

Risk	Rating	Treatment
FIN-005 contains an incorrect tender threshold and does not address several material procurement controls	High	Adopt the new policy, revoke FIN-005 and train staff before commencement
Regional preference applied to tenders before the statutory process is complete	High	Complete the regulations 24E and 24F process before applying Schedule 1
Staff do not understand or consistently apply the new requirements	High	Require training before granting purchasing authority or allowing participation in formal evaluations
Contract variations or extensions bypass competition or exceed the original procurement authority	High	Maintain a Contract Register and assess the cumulative value, scope and effect of variations
Tender acceptance not aligned with the Register of Delegations	Medium	Determine the s.5.43(b) amount and record the delegation (item 3)
CEO tender-acceptance delegation used for a contract with significant strategic, recurrent or reputational consequences	Medium	Limit the delegation to budgeted tenders within the determined amount, and refer matters of strategic significance or outside ordinary operations to Council
Supporting instruments not ready when the policy commences	Medium	Approve the Purchasing Authority Schedule, procedures, templates and registers before commencement
Preference granted using unsupported regional-content claims	Medium	Require supplier declarations and verify eligibility before applying the evaluation preference
Commencement of the new policy creates a temporary period with no quotation preference	Low	Communicate the commencement date and complete the Schedule 1 process promptly

POLICY

Structure and commencement

The new policy retains the major governance settings in Council policy. The Purchasing Authority Schedule, procedures, forms and category guidance become CEO-approved instruments that can be updated when systems or positions change, but cannot reduce a control in the policy without Council approval.

The policy, other than Schedule 1, will commence on a date set by the CEO once the Purchasing Authority Schedule and supporting procedures are approved, and no later than 1 February 2027. FIN-005 remains in force until then, so there is no period without an operative purchasing policy.

Purchasing thresholds

The policy sets six tiers. These are minimums; a more rigorous approach may be used where risk or market conditions justify it. Separate rules apply when purchasing through an existing contract, panel, the WALGA Preferred Supplier Program or a State Common Use Arrangement.

Tier	Value (excl. GST)	Minimum market approach
1	Up to $1,999	One verbal or written quotation, or published price check
2	$2,000 – $4,999	One written quotation
3	$5,000 – $19,999	Two written quotations
4	$20,000 – $49,999	Three written quotations
5	$50,000 – $250,000	Formal request for quotation to at least three suppliers
6	More than $250,000	Public tender unless a statutory exemption applies

Key controls

Procurement value must include the whole foreseeable commitment, including extension options, stages, licences, freight and likely variations. Splitting a requirement to avoid a threshold, tender, delegation or Council consideration is prohibited at every level; FIN-005 addresses splitting only in its lowest tier.

The policy introduces express controls on conflicts of interest, supplier selection, confidentiality, segregation of duties, supplier bank-detail changes and retrospective purchase orders. A sole-supplier purchase needs documented CEO approval based on market research, limited to the stated scope, value and period, and to no more than three years without fresh market testing. Recognised exemptions still require value for money, records and internal approval.

Emergency procurement is limited to what is reasonably necessary. Relief from quotation requirements does not of itself provide a tender exemption, budget authority under section 6.8 or purchasing authority. Each must be satisfied separately.

Tender acceptance

Tier 6 provides that tenders are accepted by Council, or by the CEO only within an express delegation under section 5.43(b). Unless Council has determined an amount and delegated the tender-acceptance function to the CEO within that limit, tenders must be accepted by Council. Item 3 of the recommendation sets that amount at $500,000 (excluding GST) and makes the delegation, so the policy and the Register of Delegations align. The delegation is conditional on budget provision, assessment of the tender as most advantageous, consistency with the specification, no unresolved irregularity or conflict, and the tender not concerning a matter of strategic significance or falling

outside ordinary operations. Each acceptance is reported to the next ordinary Council meeting. A lower amount would give little practical authority, as tenders are generally required only above $250,000. A delegation under section 5.42 requires an absolute majority.

Contract management and assurance

Material contracts must be entered in a Contract Register and assigned a contract manager. Variations must be approved before work proceeds and their cumulative effect assessed. Contracts awarded by tender may only be varied as permitted by regulation 21A.

The CEO must maintain a risk-based Procurement Assurance Plan, with material findings reported to ARIC at least annually. This gives the Committee ongoing assurance without transferring management responsibility to it.

Regional price preference

For evaluation purposes, eligible regional content receives the following preferences, subject to the maximum reductions in regulation 24D:

Category	Local (Region A)	Regional (Region B)
Goods and services	10%	5%
Construction services	5%	2.5%

The preference affects the evaluation price only; the supplier is paid its actual contract price. Where a supplier qualifies under both regions, only the Region A preference applies; preferences are not cumulative. Region B covers all five RoeROC districts, including Kondinin, as regulation 24E(3) requires every region to be, or include the whole district.

Part 4A governs the application of a regional price preference to tenders. Council may set an internal preference for quotations through its purchasing policy without that process, but the policy provides that both commence together, after Schedule 1 has been advertised, submissions considered, the Schedule adopted and Statewide notice of adoption given. This keeps one set of rules and one commencement date, and ensures Schedule 1 is publicly tested before any part of it is used. If Council proposes a material amendment following consultation that is not reasonably within the scope of the advertised proposal, further Statewide public notice may be required before adoption.

The consequence is that FIN-005's local preference will cease when that policy is revoked, and no local preference will apply to quotations until Schedule 1 has completed the Part 4A process and commences, likely two or more Council cycles. Council is asked to note this expressly.

Policy maintenance

Items 4 and 5 allow the CEO to correct minor typographical matters and maintain purely administrative references without returning the Policy to Council. They do not authorise the CEO to alter the Policy's scope, thresholds, approval authorities, regional preference or controls. Any change affecting the operation or substantive effect of the Policy must be adopted by Council.

Other policies

The Corporate Credit Card Policy (FIN-004) is unaffected but will be reviewed separately, as it still refers to superseded Manager positions.

STATUTORY

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Local Government (Financial Management) Regulations 1996 r.5 – CEO to establish systems and procedures for the proper authorisation of expenditure

Local Government (Audit) Regulations 1996

State Records Act 2000

Privacy and Responsible Information Sharing Act 2024

Work Health and Safety Act 2020

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

FIN-005 no longer provides an adequate or contemporary framework for the Shire's procurement, internal control and assurance requirements. It contains an incorrect tender threshold and does not clearly address several material procurement risks. The proposed policy provides an auditable framework suited to the Shire's size and risk profile, and a lawful pathway to support eligible local and RoeROC-region suppliers and regional content. It is recommended to Council for adoption.

CONSULTATION

Audit, Risk and Improvement Committee

Administration

12.4.5 Eastern Wheatbelt Biosecurity Group - Annual Report 2025-2026 and Minutes

FILE NUMBER:

DATE: 12 November 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:
1. EWBG Annual Report - 2025-2026 - *Under Separate Cover*
2. EWBG - Meeting Minutes - *Under Separate Cover*

RECOMMENDATION

That Council receives and notes:

1. The Eastern Wheatbelt Biosecurity Group Inc. Annual Report 2025/26 (Attached); and
2. The minutes of the Eastern Wheatbelt Biosecurity Group Inc. Annual General Meeting held 12 October 2026 (Attached).

SUMMARY

The Eastern Wheatbelt Biosecurity Group (EWBG) has provided its 2025/26 Annual Report and the minutes of its Annual General Meeting held 12 October 2026. This report presents both documents to Council for information.

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 EWBG is an incorporated Recognised Biosecurity Group established in 2001. It coordinates declared pest control across eleven member Shires, including Kondinin, with a focus on wild dogs, foxes, feral cats and rabbits. It is funded mainly through the Declared Pest Rate, which the State matches dollar-for-dollar, supplemented by Royalties for Regions (R4R) and DBCA funding.

In 2025/26 the Group's three Licensed Pest Management Technicians worked 439 days and laid 9,640 baits, including an aerial baiting program in late September and early October 2025. Technicians controlled 41 wild dogs, with a further 5 reported by landholders. Three wild dog attacks resulted in 45 stock losses, up from 20 in 2024/25 but well below historical levels (more than 2,000 in 2000/01).

The audited accounts show income of $568,950 (Declared Pest Account $420,850, R4R $100,000, DBCA $44,000, other $4,100) and expenditure of $537,459, leaving a carryover of $31,491.

The AGM adopted the audited financials, reappointed Audit Partners Australia as auditor for 2026/27 and set the member Shire fee at $100 for 2026/27. A new Committee of Management was elected for 2026/27 and 2027/28, with Peter Barnes (Trayning) as Chair and Ross Della Bosca (Westonia) as Deputy Chair. The AGM also resolved to add emu control to the Operational Plan, including a proposed aerial control trial, subject to approvals and available funding.

The R4R funding agreement has been extended for a further 12 months, which the Chair described as the last expected extension. DPIRD's Advisory Group has asked for an update by December 2026.

The Shire's listed EWBG representative, Mr Brett Smith, is not recorded as attending or as an apology at the AGM and is not on the new Committee of Management.

FINANCIAL

Nil

RISK

Nil

POLICY

Nil

STATUTORY

There is no statutory requirement for Council to receive the report. It is presented for information.

STRATEGIC

Theme

3. ENVIRONMENT

Goal

3.2 We conserve and protect our natural environment

Strategy

3.2.1 Community participates in the management of invasive species

COMMENT

The EWBG continues to deliver effective regional pest control for Kondinin landholders. Council should note the uncertainty over R4R funding after 2026/27 and the Shire's representation on the Group.

CONSULTATION

Nil

12.4.6 RoeROC Executive Meeting Minutes - 26 October 2026

FILE NUMBER:

DATE: 12 November 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:
1. RoeROC Executive Meeting Minutes - 26 October 2026 - *Under Separate Cover*

RECOMMENDATION

That Council receives and notes:

1. The minutes of the RoeROC Executive Meeting held 26 October 2026

SUMMARY

The RoeROC Executive, made up of the five member Shire CEOs, met at Corrigin on 26 October 2026, partly in joint session with the Shared Services Working Group. This report presents the minutes to Council for information and highlights the matters relevant to the Shire.

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 Executive meets one month before each RoeROC Committee meeting to prepare matters for the Committee. The CEO attended and the Coordinator Corporate Services attended as a guest. Recommendations from this meeting go to the RoeROC Committee on 3 December 2026.

ERP project.

The Executive resolved to procure the shared ERP system by Request for Tender, to be released in March/April 2027. The tender will be structured so that each participating Shire selects its own solution. Quotations for a project support person (change management framework and tender assessment) will be sought by mid-December 2026 for each Council to consider. The indicative go-live date for Kondinin, Corrigin, Kulin and Narembeen is 1 July 2028. Wickepin has chosen not to take part. Data cleansing will occur during 2026/27.

Executive Officer contributions.

The Executive recommended removing MOU clause 5.1a, which reduced Wickepin's share of Executive Officer costs because it is not part of the Bendering Landfill Site project. The Executive Officer no longer has any role in that project, so all five Shires would pay an equal one-fifth share from 1 July 2026. Kondinin's annual contribution would fall from $9,971.73 to $9,800. Under clause 12 of the MOU, the change needs unanimous agreement and a formal resolution of each member Council. A separate report will be presented once the Committee has considered it.

Key Worker Housing.

The joint Regional Housing Support Fund application was unsuccessful. The Department's feedback was that value for money decided the outcome, based on the $13 million request and 20% cash contribution. Future applications are proposed to include a minimum 30% cash contribution, with land as an additional in-kind contribution. NEWROC, RoeROC and WEROC are preparing a joint application to the Commonwealth Housing Support Program – Local Infrastructure Fund, led by the Shire of Narembeen. Participating Shires have been asked to confirm Council endorsement and their contribution in November 2026.

Membership and representation.

CEOs discussed meeting attendance. The Chairperson will contact delegates where needed. The Executive Officer will prepare a one-page information sheet for Councils to consider before nominating delegates and will present to each Council after each election. A recommendation to start future meetings at 9.00am will go to the December Committee meeting. The Coordinator Corporate Services, Bindi Billingham, is now the Shire's representative on the Shared Services Working Group.

Other matters.

The Executive also:

- recommended the 2027 meeting schedule to the Committee;
- endorsed the reviewed Shared Services and Collaboration Plan, with amendments, and asked for a survey of member Shires on resource sharing opportunities;
- supported a second Joint ROC Works and Services Development Day in early August 2027;
- agreed the key messages for the 3 December Committee meeting, to which WALGA, RDA Wheatbelt, the Wheatbelt Development Commission and the Minister for Local Government have been invited, including that regional collaboration is an alternative to amalgamation;
- agreed that each Shire may nominate four to six representatives for a regional tour to Dandaragan, Victoria Plains and Moora on 23–24 March 2027; and
- listed work health and safety requirements for the February 2027 Executive meeting.

FINANCIAL

Nil

RISK

Nil

POLICY

Nil

STATUTORY

Not applicable

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.1 Skilled, capable and transparent team

Strategy

4.1.1 RoeROC and regional groupings deliver local benefit

COMMENT

The meeting progressed the ERP procurement, housing funding and RoeROC governance. Two matters will come back to Council separately: the MOU amendment and the ERP project support costs.

CONSULTATION

Nil

12.4.7 Execution of Documents and Electronic Approvals Policy

FILE NUMBER:

DATE: 12 November 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:
1. Execution of Documents and Electronic Approvals Policy - Draft - *Under Separate Cover*

RECOMMENDATION

That Council:

1. Adopts the Execution of Documents and Electronic Approvals Policy as presented in the attachments to this report;
2. Authorises, under section 9.49A(4) of the Local Government Act 1995, the persons occupying the positions listed in Attachment B of the policy to execute documents on behalf of the Shire of Kondinin, subject to the document categories, conditions and restrictions specified in the policy;
3. Authorises the Chief Executive Officer to make minor amendments to the policy that do not materially change its intent or effect, including amendments to reflect changes in legislation and updates to references to systems, position titles and related Shire documents, provided that any change to Attachment B is presented to Council; and
4. Notes that electronic execution and approval arrangements under the policy commence once the supporting administrative procedures, system controls, registers and approved-platform arrangements are in place.

SUMMARY

This report seeks Council adoption of a new Execution of Documents and Electronic Approvals Policy and to authorise the positions listed in Attachment B of the policy to sign documents on behalf of the Shire.

The policy brings together in one document the rules for using the common seal, who may sign on the Shire's behalf, when documents may be signed electronically, and the controls for electronic purchase orders, goods receipts, invoice approval and payments. It also allows the CEO to make minor amendments, such as updating legislative references, without returning to Council.

An absolute majority is required because the CEO's authority to make minor amendments to a Council policy operates as a delegation under section 5.42 of the Local Government Act 1995 (the Act).

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 Shire does not have a standalone policy setting out how documents are executed, who may sign them, or how electronic signatures and system approvals are controlled. Most routine Shire documents are now created, approved and sent electronically and purchase orders, invoices and payments are approved in Synergy and the banking platform. There is no Council-level framework governing these practices.

Section 9.49A of the Act allows the Shire to execute a document either under its common seal or by a person Council has authorised by resolution. Council has already delegated to the CEO the power to authorise use of the common seal, so no new seal delegation is required.

Council cannot, however, delegate the power to authorise signatories to the CEO (section 5.43(ha)). Those authorisations must be made by Council and are set out by position in Attachment B of the policy.

The policy was developed after reviewing the execution and electronic signature policies of several Western Australian local governments, listed under References. It uses a risk-based approach to signature methods, keeps wet-ink signing for the common seal, deeds and witnessed documents, and applies the payment controls required by the Local Government (Financial Management) Regulations 1996.

For staff, the main changes are that electronic signing becomes the default for routine documents, a signature image may be used only where an approved system applies it to the signatory after they have logged in and may no longer be copied and pasted into documents, each payment file requires two independent banking authorisations, and new suppliers and changes to supplier bank details must be independently verified.

The law on electronic execution is still changing. The Property Law and Electronic Transactions Legislation Amendment (Electronic Mortgages) Bill 2025 has not yet passed, so existing wet-ink and witnessing requirements for deeds and mortgages remain. The policy includes review triggers for this and other legislative changes, and the recommended minor-amendment authority allows legislative references to be kept current without a further report to Council.

FINANCIAL

There is no direct cost in adopting the policy. An e-signature platform will be needed for Level 2 and Level 3 documents. The Shire's existing software licences will be checked first; any subscription cost, estimated at $1000 per year, will be met from the existing information technology budget.

Savings are expected in printing, postage, courier costs and processing time. The payment controls also reduce the Shire's exposure to payment fraud.

RISK

Risk	Rating	Treatment
Documents are signed without clear authority or by inconsistent methods, exposing the Shire to disputes over validity	High	Adopt the policy and the Attachment B authorisations

Risk	Rating	Treatment
Payment fraud through changed supplier bank details or altered payment files	High	Independent verification of supplier details, two banking authorisers, and no changes after the first authorisation
Misuse of electronic signatures, such as shared logins or pasted signature images	Medium	Individual accounts with multi-factor authentication, a ban on signature images, and audit trails
Full separation of duties is difficult with the Shire's staff numbers	Medium	Compensating controls approved and documented by the CEO
Procedures and systems are not ready when the policy is adopted	Medium	Electronic arrangements commence only once procedures and controls are in place (recommendation 4)
Legislation changes after adoption	Low	Review triggers in the policy and the CEO minor-amendment authority

POLICY

This is a new Council policy.

The policy is designed to be read with the Procurement and Purchasing Policy. That policy decides who may commit Shire funds and how much; this policy decides who may sign written agreements on the Shire's behalf and how electronic approvals are controlled. The policy also relates to the purchasing card policy, the codes of conduct and the Recordkeeping Plan.

Before electronic arrangements commence, the CEO will put in place the supporting finance procedures, align approval limits in Synergy and the banking platform with the Purchasing Authority Schedule, and establish a register of approved e-signature platforms. The minor-amendment authority in recommendation 3 will be recorded in the Register of Delegations and reviewed each financial year under section 5.46 of the Act.

STATUTORY

- Local Government Act 1995, s.2.7(2)(b) - Council is responsible for determining the local government's policies.
- Local Government Act 1995, s.9.49A - a document is duly executed by affixing the common seal, or by the signature of a person authorised by Council resolution under s.9.49A(4). The seal is affixed only as authorised by the local government, in the presence of the President and the CEO (s.9.49A(2) and (3)). A document signed by an authorised person is a deed only if the authorisation permits it (s.9.49A(5)), and a document purporting to be executed under the section is presumed duly executed (s.9.49A(6)).
- Local Government Act 1995, s.9.49B - contracts may be made, varied or discharged by a person acting under the Shire's authority in the same manner as a natural person.
- Local Government Act 1995, s.5.34 - the Deputy Shire President may perform the functions of the Shire President when the office is vacant or the President is unavailable.
- Local Government Act 1995, s.5.42 - Council may delegate powers and duties to the CEO; absolute majority required.

- Local Government Act 1995, s.5.43(ha) - the power under s.9.49A(4) to authorise a person to sign documents cannot be delegated to the CEO.
- Local Government Act 1995, s.5.46 - the CEO keeps a register of delegations, and delegations are reviewed at least once every financial year.
- Electronic Transactions Act 2011, s.10 - an electronic signature meets a signature requirement where it identifies the person and their intention, is appropriately reliable, and the recipient consents.
- Electronic Transactions Act 2011, ss.12 and 16 - retention of electronic records, and attribution of electronic communications.
- Electronic Transactions Regulations 2012, regs 3 and 4 - exclude enduring powers of attorney, documents that must be witnessed or attested, and documents requiring personal service.
- Local Government (Financial Management) Regulations 1996, regs 5(1)(c) and (e), 11, 12 and 13 - financial records security, proper authorisation of liabilities and payments, payment procedures, and lists of accounts.
- Local Government (Functions and General) Regulations 1996, Part 4 - tenders and purchasing.
- Property Law Act 1969, s.9 - a deed must be signed and attested by at least one witness.
- Electronic Conveyancing Act 2014, Part 2 - electronic lodgment, client authorisations and digital signatures.
- Corporations Act 2001 (Cth), ss.126 and 127 - execution of documents by companies.
- State Records Act 2000 and Privacy and Responsible Information Sharing Act 2024 - recordkeeping and information privacy.

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

COMMENT

This policy provides the Shire one clear framework for executing documents and controlling electronic approvals, consistent with current legislation and the Procurement and Purchasing Policy.

CONSULTATION

Administration

REFERENCES

Western Australian local government policies reviewed

- City of Albany - Acceptable Use of Electronic and Digital Signatures Policy 2.01 (2026)
- City of Fremantle - Execution of Documents Policy
- City of Kwinana - Execution of Documents Policy (2026)
- City of Stirling - Execution of Documents Policy (adopted 26 August 2025)
- Shire of East Pilbara - Execution of Documents Policy (adopted 28 November 2025)
- Shire of Mundaring - Execution of Documents Policy 2.11

Interstate

- Campbelltown City Council (NSW) - Electronic Signature Policy

Guidance and other sources

- Landgate - Consultation Paper on the Electronic Creation and Execution of Documents (2023)
- Landgate - Electronic mortgages and other documents (reform status)
- State Records Office of WA - General Disposal Authority for Local Government Records
- Allens Law - Legislative reforms: signing (September 2026)

12.4.8 Chief Executive Officer Engagements - Planning Items

FILE NUMBER:

DATE: 12 November 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS: Nil

This report informs Council of the Chief Executive Officer's activities for the period 1 October to 11 November 2026.

Alongside the matters set out below, the Chief Executive Officer carried out the routine work of managing the Shire's administration and operations. This included responding to enquiries and correspondence from ratepayers, community groups, government agencies and other stakeholders, and to enquiries from Councillors. It also included liaising with the Shire President.

The Chief Executive Officer attended the following 21 meetings and engagements during the period.

Date	Meeting	Notes
1 October 2026	RoeROC CEOs and Avon Waste	Negotiation of the fuel rise and fall contract variation
2 October 2026	Neil Whyte, Chief Bush Fire Control Officer	2026/27 fire season and arrangements for the Bush Fire Advisory Committee
2 October 2026	Bob Edwards and Deb Wright	Reporting protocols and priorities for the infrastructure and assets portfolio
5–8 October 2026	LGIS, Kate Ryan-Taylor	Work health and safety training and introduction of the SiteDocs system
13 October 2026	JLT Risk	Briefing on current and emerging risks to local government
13 October 2026	Shire staff meeting	Current and upcoming matters
14 October 2026	King Rocks Wind Farm Community Benefit Fund	Observer of the grants process
15 October 2026	Western Power, Georgia Rose Jackson	Vegetation management and network maintenance
19 October 2026	DFES, Samantha Kennedy	Local government emergency management pre-season briefing
21 October 2026	Lucas family	Citizenship ceremony
22 October 2026	Avon Waste, Corrigin	Negotiation of the fuel rise and fall contract variation
26 October 2026	RoeROC CEOs and Shared Services Working Group, Narembeen	Joint meeting
27 October 2026	LGIS Risk Management Advisory Group, Michael Sparks	Contractor risk management and insurance
28 October 2026	RDA Wheatbelt, Christopher Evans	Economic development planning for the Shire
2–3 November 2026	Shire depots	Work health and safety training
4 November 2026	Bush Fire Advisory Committee	Inaugural meeting and season planning
5 November 2026	Hyden Progress Association	General meeting
9 November 2026	Roe Tourism	Annual general meeting

10 November 2026	RoeROC ERP Working Group	ERP transition planning
10 November 2026	Kondinin Community Resource Centre Inc	Annual general meeting. All executive positions were filled, and the Chief Executive Officer joined the committee to complete its six members.
11 November 2026	InfoCouncil, Chris Asquith	Upgrades and process changes

Policy development during the period is summarised below. Each policy will be presented to Council separately.

Matter	Activity
Procurement and Purchasing Policy	Full rewrite to replace Policy FIN-005 Purchasing, including a proposed regional price preference for local and RoeROC suppliers. Report prepared for ARIC.
Tender and quotation templates	Request for Tender and Request for Quotation templates revised, with submissions accepted through VendorPanel only.
Procurement briefing	Presentation prepared on procurement legislation, probity and the new policy.
Execution of Documents and Electronic Approvals Policy	New policy drafted covering the common seal, authorised signatories, electronic signatures and system approvals.
Attendance at Events Policy	Review of Policy GOV-006, with a table of changes prepared.
Recording devices and smart glasses	Council policy and CEO directive prepared, and the pool operator's policy aligned with the Shire's position.
Senior Staff Policy (STAFF-014)	Review of senior employee designations commenced.

Other Council, committee, regional and advocacy matters progressed during the period were:

Matter	Activity
Bush Fire Advisory Committee	Terms of reference and report prepared. Committee established by Council on 21 October 2026 (OCM/26/032); inaugural meeting held 4 November 2026.
Wave Rock (Katter Kich) Discovery Centre	Section 3.59 process progressed, including review of submissions, correction of the operating model and legal advice sought. Reported to ARIC (ARIC/26/027) and to Council.
Bore infrastructure, Lot 25921 Kondinin-Hyden Road	Report prepared on the proposed sale following public advertising.
2027 meeting schedule	Council meeting schedule and Annual Meeting of Electors report prepared.
Dadour provisions	Report updated for the amalgamation changes in the Local Government Amendment and Repeal Bill 2026. Letters sent to the Minister for Local Government and the Shadow Minister. WALGA Zone agenda item prepared seeking advocacy.
RoeROC waste contract	Negotiations with Avon Waste on fuel cost recovery. A separate agreement linked to the contract is proposed instead of a contract variation.
RoeROC ERP project	Support for a consultant-led readiness and market assessment before a product is chosen.
Kondinin Community Resource Centre	Kondinin CRC Inc had asked the Shire to take over CRC operations. All executive positions were filled at the annual general meeting on 10 November 2026, and Shire intervention is no longer required.

The period focused on fire season preparation, regional waste and shared services negotiations, and a significant program of policy development, alongside the routine management of the Shire's administration and operations.

12.4.9 Wave Rock (Katter Kich) Discovery Centre – Consideration of Submissions and Decision under Section 3.59(5), Local Government Act 1995

FILE NUMBER:

DATE: 12 November 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:

1. Community Submissions - Redacted - *Under Separate Cover*
2. Schedule of Submissions - Commentary - *Under Separate Cover*
3. Financial Proposal - Corrected - Pending Approval - *Under Separate Cover*
4. Discovery Centre - Supplementary Community Survey - Non-Submissions - *Under Separate Cover*

RECOMMENDATION

That Council:

1. Notes that Statewide public notice of the Business Plan for a Major Land Transaction - Wave Rock (Katter Kich) Discovery Centre was given on 12 September 2026 under section 3.59(4) of the Local Government Act 1995, and that the period for submissions closed at 4.00pm on Monday 26 October 2026.

2. Records that it has considered each submission made within the submission period, being Submissions 1 to 26, together with the summary, officer comments and risk assessment in the Schedule of Submissions at Attachment 1, and that it will have regard to them again when it makes its decision under section 3.59(5).

3. Notes that Submission 27 was received after the closing time, is not a submission for the purposes of section 3.59(5), and that the matters it raises are addressed in the responses to Submissions 5, 9 and 15.

4. Receives the separate report on the Discovery Centre community survey at Attachment 3, consistent with Resolution OCM/26/010(5), and notes the community meetings held in Kondinin on 21 October 2026 and in Hyden on 22 October 2026 and the matters raised at them (Background section 2), as supplementary engagement information; noting that the survey is not a poll, plebiscite or vote, and that survey responses and comments made at the meetings are not submissions.

5. Notes that the development application for a Community and Tourist Centre at No. 36 (Lot 800) Marshall Street, Hyden was considered at the Ordinary Meeting of Council on 23 September 2026 (Item 12.2.11, Resolution OCM/26/019), and that development approval is a separate

statutory decision that neither depends on nor commits Council in relation to section 3.59.

6. Records that the relocation of the Shire's administration from Kondinin does not form part of the proposed transaction.

7. Notes that the advertised Business Plan identified its insurance, building maintenance and floor-area cost lines as understated and stated that they would be corrected before the plan was adopted for advertising; that, through an administrative oversight, the corrections were not made; and that the effect of the correction is set out at Background section 16.

8. Defers its decision under section 3.59(5) of the Act on the major land transaction for the Wave Rock (Katter Kich) Discovery Centre until the Ordinary Meeting of Council following receipt of both the outcome of the Shire's application to Lotterywest for Arts and Culture Infrastructure funding, lodged on 10 August 2026, and the legal advice referred to in item 9(a), and in any event no later than the Ordinary Meeting of Council in March 2027.

9. Requests the Chief Executive Officer to report to that meeting on the following matters, noting that, apart from the legal advice already sought, work on them is to start only if the Lotterywest application is successful:
    a) the legal advice sought on 4 November 2026, including whether Council may rely on the corrected operating figures described at Background section 16 in making its decision under section 3.59(5), or whether a corrected Business Plan should be adopted and advertised under section 3.59(4);
    b) an independent peer review of the corrected operating model at Attachment 8;
    c) the Long-Term Financial Plan and Asset Management Plans, re-modelled to carry the corrected operating position, depreciation and maintenance and renewal provisions, with sensitivity to the loss of mining rate revenue and to population decline;
    d) heads of agreement for the Hyden Community Resource Centre's occupancy, including its share of outgoings and the arrangements if its State funding ends, and the proposed terms of a binding agreement with the Hyden Progress Association covering its $500,000 capital contribution and its share of the Executive Officer position;
    e) a quantity surveyor's costing of the conditions of development approval, including the wastewater connection arrangements, decommissioning of the existing on-site system, vehicle access to the loading bay over Lot 2122, and the traffic, parking and acoustic requirements; of the items excluded from the estimate (Background section 7); and confirmation of what the professional fees and design contingency in the estimate cover, including completion of the structural, mechanical, electrical and hydraulic design; together with confirmation of the site area;
    f) the future of the existing Hyden Community Resource Centre building, informed by a building condition and compliance assessment and a costing of any conversion to childcare;
    g) the Growing Regions Program Round 3, including its guidelines and timing, and the Shire's application to it;
    h) whether information obtained during the deferral should be published, and submitters given an opportunity to comment on it, before Council decides; and
    i) the unfunded items identified at the Financial section, costed by the quantity surveyor where relevant, with a proposed allocation of responsibility and source of funding for

each.

10. Notes clause 8 of Resolution 4645 (Ordinary Meeting of Council, 29 October 2025) and Resolution OCM/26/001 (Special Meeting of Council 29 July 2026), and requests the Chief Executive Officer, if the Shire's Lotterywest application referred to in item 8 is unsuccessful, to implement the withdrawal required by those resolutions, including by:
    a) advising the Hyden Progress Association, the Hyden Community Resource Centre and the relevant funding bodies;
    b) ceasing further work on any application under the Growing Regions Program, and withdrawing it if the legal advice confirms that this follows from those resolutions;
    c) giving notice ending the Memorandum of Understanding under clause 15.2;
    d) ceasing any procurement or other project commitments, including work on the matters in item 9; and
    e) reporting to the next Ordinary Meeting of Council on the actions taken, and on the balance and future use of the Hyden Discovery Centre Reserve, having regard to section 6.11 of the Act.

11. Requests the Chief Executive Officer, if Lotterywest offers less than the amount sought, to report the offer to Council, with legal advice on sections 3.59(5) and (6) of the Act and regulation 10 of the Local Government (Administration) Regulations 1996, before accepting, declining or acting on it, or committing additional Shire funding or resources to address a shortfall.

12. Notes that work on the current grant applications may continue, including responding to requests from the funding bodies, but that the Shire is not to accept a funding offer, or enter into a funding agreement, land transaction or construction contract, before Council has decided under section 3.59(5) of the Act. If a funding body requires a response before that decision, the Chief Executive Officer is to report to an ordinary or special meeting of Council.

13. Requests the Chief Executive Officer to respond in writing to each submitter, drawing on the officer comments in Attachment 1 as amended to reflect Council's decision and any changes made by Council at this meeting, and to publish the Schedule of Submissions with the minutes.

PROCEDURAL ARRANGEMENTS

Submissions 16 and 17 raised concerns about the perceived closeness of the Shire and the Hyden Progress Association and about the representation of the Hyden community on Council. Two Council Members, including the Shire President, are members of the Hyden Progress Association which is a co-proponent of the project.

Given the matters raised in the submissions, it is appropriate for the report to explain how any interests will be disclosed and managed when Council considers the item. This promotes transparency in Council’s decision-making and ensures that the concerns raised through consultation are addressed openly.

The inclusion of these procedural arrangements does not constitute a finding that either Council

Member has an actual conflict of interest, has acted without impartiality or is disqualified from participating in the matter. Each Council Member remains individually responsible for determining whether they have an interest, identifying the nature of that interest and making any disclosure required by the Local Government Act 1995 or the Shire's Code of Conduct for Council Members, Committee Members and Candidates.

On the information presently available, the interests are expected to be interests that could reasonably be perceived to affect impartiality. This is because the Council Members are members of the Hyden Progress Association, which has an identifiable role in the project under consideration. Neither Council Member holds office in the Association, has a financial or proximity interest in the proposed transaction, or is understood to stand to gain or lose personally from the outcome, as outlined in Background section 15.

An interest affecting impartiality does not, of itself, prevent a Council Member from remaining in the meeting, participating in debate or voting. The restrictions in section 5.67 of the Local Government Act 1995, which prevent a Council Member from presiding, participating in or being present during the discussion and decision on a matter, apply to financial and proximity interests disclosed under section 5.65. Clause 22 of the Model Code of Conduct recognises that an interest affecting impartiality includes an interest arising from membership of an association, and that such an interest is managed through disclosure.

Accordingly, provided that the interests disclosed are interests affecting impartiality and not financial or proximity interests, both Council Members may remain in the meeting, participate in debate and vote on the matter. How each Council Member proceeds after making the disclosure remains a matter for that Member, having regard to the nature and extent of the interest and the Member's obligation to consider the matter on its merits.

To provide an additional level of transparency and ensure that the item is chaired by a Council Member who has not disclosed an interest in the matter, it is proposed that the Shire President not preside during Council's consideration of the item.

Section 5.6(2) of the Local Government Act 1995 provides for the Deputy Shire President to preside where the circumstances specified in section 5.34 apply. Those circumstances include the Shire President being unwilling to perform the functions of the President. If the Deputy Shire President is unavailable or unwilling to preside, section 5.6(3) requires the Councillors present to choose one of themselves to preside.

The proposed procedure is as follows:

a) When the item is reached, the Shire President discloses the nature of the interest, or has any written disclosure read aloud, advises that the Shire President will not preside during consideration of the item, and vacates the chair.

b) The Deputy Shire President assumes the chair and invites any other disclosures of interest relating to the item.

c) Each Council Member who has an interest discloses the nature of that interest in accordance with the applicable legislative and Code of Conduct requirements.

d) The Deputy Shire President presides over Council's consideration of the item, including the debate, any procedural motions and the vote.

e) If the votes are equally divided, the Deputy Shire President, as the person presiding, casts a second vote in accordance with section 5.21(3) of the Local Government Act 1995.

f) Once Council has completed its consideration of the item, the Deputy Shire President vacates the chair and the Shire President resumes the chair.

The Shire President's decision not to preside during the item is a prudent procedural measure intended to support transparent and orderly decision-making. It is not an admission of actual bias or a statutory consequence of disclosing an interest affecting impartiality. Vacating the chair does not, of itself, require the Shire President to leave the meeting or prevent the Shire President from participating in the debate and voting.

SUMMARY

Council adopted the Business Plan for the proposed Wave Rock (Katter Kich) Discovery Centre for advertising on 19 August 2026 (Resolution OCM/26/010). The submission period closed on 26 October 2026. Council must consider the submissions before deciding whether to proceed, proceed in a form not significantly different, or not proceed. A decision to proceed requires an absolute majority. The Act does not require the decision to be made at the meeting at which the submissions are first considered, and the officer recommendation is to defer it.

Twenty-six submissions were received within time and one late. Eleven support the proposal, seven raise concerns and eight oppose it. The supplementary community survey (33 responses) recorded an average rating of 2.33 out of 5 for overall support, with 73% concerned about the level of Shire investment relative to other priorities.

The evidence assembled for this report shows that the case for the Centre (an adopted Strategic Community Plan priority, a strong external funding share and a positive independent economic assessment) is matched by unresolved matters that go to the Shire's financial exposure. These include operating costs that the Shire's own review found understated by $88,000 to $217,500 a year at seven-day opening, construction cost escalation that may exceed the allowance, development approval conditions with servicing and access requirements, indicatively $55,000 to $300,000, that the plan does not cost, uncertainty about State funding for the anchor tenant, and an unfunded assumption that the vacated CRC building could become a childcare centre, a conversion indicatively costing $270,000 to $690,000 at a bare minimum.

The advertised plan itself identified its insurance, maintenance and floor-area cost lines as understated and stated that they would be corrected before the plan was adopted for advertising. Through an administrative oversight, that did not occur. The correction does not change the transaction. Its size depends on staffing and opening hours: on the configuration now proposed, the gross operating deficit is higher than advertised, but the incremental effect on the Shire is lower. Legal advice has been sought on whether Council can rely on the corrected figures or should advertise a corrected plan, and on related matters. It is not expected before this meeting (Background section 19).

The officer recommendation is to defer the decision until the outcome of the Lotterywest application and the legal advice are known, and no later than the Ordinary Meeting of Council in March 2027. The legal advice is not expected before this meeting, and items 10 and 11 have been drafted so that they do not depend on that advice.

It notes Council's resolutions of October 2025 and July 2026, under which the Shire withdraws if the Lotterywest application is unsuccessful, and asks the Chief Executive Officer to implement them if that occurs. A reduced Lotterywest offer is to come back to Council with legal advice before any offer is accepted, declined or acted upon. The alternatives of proceeding as proposed, proceeding subject to conditions and not proceeding are set out at Background section 18, with the reasons they are not recommended. Section 19 describes the matters that will return to Council once the advice is received.

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

1. The decision before Council

The Shire proposes to acquire Lot 800 on Deposited Plan 421688, corner of Marshall and McPherson Streets, Hyden, from the Hyden Progress Association (HPA) for $1, and to develop it as a 928m^2 civic, cultural and community facility. The total value of the transaction is approximately $13.5 million.

The Shire's proposed contribution is $1,425,000 ($1,400,000 cash and $25,000 in kind). The remaining funding is proposed to come from a Commonwealth regional grant ($8,205,086), the Lotterywest arts and culture infrastructure grant ($2,080,123), the HPA ($500,000 cash and the land) and community fundraising for the Phase 3 exhibition.

Under section 3.59(5) of the Act, Council must consider the submissions made and may then decide to proceed as proposed or in a form not significantly different. A decision to proceed under section 3.59(5) is the statutory decision that allows the Shire to proceed towards entering into the transaction, subject to the other approvals and decisions required. It does not itself accept a grant, transfer the land or award a construction contract. Council may also decide not to proceed or defer its decision.

2. Project history and process

The concept originated in 2016, when the Hyden Community Resource Centre sought relocation to a central site. The HPA purchased the land in 2018. A business plan was advertised in 2024 and attracted 13 submissions. Doubt was subsequently raised about whether the 2024 process had been validly completed. It was also determined that the change to a Shire-owned model was likely to make the project significantly different, requiring a new business plan. The Memorandum of Understanding with the HPA was re-executed on 4 August 2026 in a conditional, non-fettering form.

Council adopted the current Business Plan for advertising on 19 August 2026 (Resolution OCM/26/010), with a community survey as supplementary engagement and a requirement that the submissions and survey be reported separately to Council.

Notice of the Business Plan and the invitation to make submissions were published on the Shire's website on 11 September 2026, and Statewide public notice was given on 12 September 2026 by publication in The West Australian and on the Shire's notice boards and social media.

Community meetings were held in Kondinin on 21 October 2026, attended by 28 people, and in Hyden on 22 October 2026, attended by 25; five people attended both. At the Kondinin meeting, the principal matters raised were the ongoing operating cost and whether it is understated, parking, the closure of the Denmark Visitor Centre, concern that the Shire office would move from Kondinin to Hyden, and that the Business Plan did not adequately describe a vision for the Centre; Mr Michael Ward gave a presentation describing that vision. At the Hyden meeting, the principal matters raised were parking, including caravans parking in undesignated areas, the financial plan and the Customer Service Officer positions.

3. Submissions

Twenty-seven submissions were received. Nos. 1 to 26 are treated as received within the period. No. 24 was received at 4.02pm; a difference of two minutes is within the margin of email transmission and server delay, and it has been accepted as within time. No. 27 was received at 5.05pm on 26 October 2026, after the closing time. Each submission is summarised, mapped to the section 3.59(3) matters, risk-assessed and responded to in the Schedule of Submissions at Attachment 1.

Council must consider every submission made within the submission period (section 3.59(5)). Consideration of a submission does not require Council to agree with it or resolve every issue it raises. It means giving genuine weight to the matters it raises that bear on the assessment required by section 3.59(3). Most submissions raise matters of that kind. Matters outside that assessment, such as design, the name of the Centre and town amenities, are noted at section 17 and can be dealt with separately.

Position	Number	Submission numbers
Support, or support with comments	11	1, 3, 6, 7, 12, 13, 14, 21, 22, 24, 26
Concerns or conditional (not stated as opposed)	7	2, 5, 8, 9, 10, 18, 19
Oppose, or oppose in current form	8	4, 11, 15, 16, 17, 20, 23, 25
Total within time	26	
Received after closing time	1	27

The matters raised most often are the recurrent operating cost to ratepayers (14 submissions), competition from the café and other commercial space (10), the scale of the project and smaller alternatives (7), the balance of investment between towns (6) and capital cost beyond the Shire's contribution (5). Supporters emphasise longer visitor stays, a central place to tell the Aboriginal, agricultural and settlement stories of the district, co-location of services, and the value of an asset funded largely from outside the Shire.

Several submissions are detailed and technical. Submission 11 argues that the Shire's liability is not limited to its $1.4 million contribution, notes that the plan's insurance and maintenance cost lines were not corrected before the plan was adopted for advertising, as the plan said they would be, and proposes safeguards, several of which are reflected in Option 2. Submissions 9, 18, 19, 20 and 25 raise long-term sustainability, the dependence on the HPA, the CRC's State funding and a café tenant, and the reliance on rate revenue from a mining ratepayer. Submission 14, while supportive, proposes ways of managing capital, grant and staffing risk.

The officers' review of the submissions has identified matters in the advertised plan that should be corrected or confirmed:

- a drafting placeholder at section 9.3 for the staging of the Shire's residual contribution (now set out in the Financial section);
- the operating cost lines calculated using 849m^2 rather than 928m^2 and the other understated lines (section 16);
- the description of the sewer connection, which omits the requirements of Hyden's STED scheme (section 6);
- a Great Western Woodlands condition on the land recorded in recital (b) of the MOU at Appendix A, which the vendor has confirmed did not exist (section 17);
- two related visitor risks rated differently in the plan's risk register (visitor capture High; uptake of the exhibition and programming Low), which should be reconciled; and,
- own-source revenue figures (36% and 56%) drawn from different sources and years. These matters are recorded in the risk register (R14).

4. Discovery Centre community survey

The survey was conducted concurrently with the submission period and closed on 26 October 2026. It received 33 responses. It is a self-selected sample and is not statistically representative. The results are reported in full at Attachment 3 and summarised below. Survey results do not constitute a submission and are included for operational considerations only.

Question	Result	Responses
Current adequacy of community, visitor and meeting facilities	2.72 / 4	32
Support for bringing library, visitor information, CRC, gallery, café and bookable spaces into one Centre	2.58 / 4	33
Expected effect on other businesses, groups and providers	2.69 / 4	32
Very or extremely concerned about unfair competition with existing providers	32% (10)	31
Support for the $1.4 million Shire capital contribution	2.33 / 5	33
Acceptability of ongoing Shire operating funding if benefits are delivered	2.59 / 4	32
Alignment with the Shire's long-term priorities	3.03 / 5	31
Benefits beyond Hyden to the wider district	2.42 / 5	33
Concerned about investment in the Centre rather than other infrastructure	73% (24)	33
Confidence the Shire can manage construction and delivery	2.94 / 6	32
Overall support for the Shire proceeding	2.33 / 5	33

On overall support, 14 respondents (42%) gave the lowest rating, 5 gave 2, 3 gave 3, 11 (33%) gave 4 and none gave the highest rating. The management issues considered most important were construction cost control (39%) and ongoing operating costs (33%). On admission, 31% preferred free entry, 13% a low-cost fee, 38% a fee for visitors with local concessions and 19% a fee for all users. The Community Resource Centre (85%) and community meeting and event spaces (88%) were the facilities most used by respondents; the Wave Rock visitor centre was used by 6%.

Written comments name competing priorities: the Hyden sporting precinct and recreation centre, housing, playgrounds, health services (a pharmacy in Kondinin), transport between towns and town amenity. Supporting comments see the Centre as an asset for Hyden and the Shire and a way to capture tourism spending.

5. Annual community survey 2025-26

Council received the Shire's 2025-26 Community Survey at its meeting on 25 March 2026 (Resolution OCM/26/013). The survey received 109 responses. It was conducted internally and is indicative rather than statistically representative.

Sentiment was moderately positive. The strongest results were for community wellbeing, swimming pools and the maintenance of community buildings. The weakest were roads and transport, parks and playgrounds, sports and recreation facilities, and footpaths. Recreation facilities and youth infrastructure were the most requested improvements, and written responses raised a perceived inequity of investment between towns, particularly Hyden and Kondinin. Later reports to Council have

drawn on the survey and the Local Planning Strategy work to identify a strong community emphasis on housing and land supply in Hyden.

A visitor or discovery centre was not among the key themes the survey identified. Council resolved that the survey findings inform future reviews of the Council Plan, Corporate Business Plan and Long-Term Financial Plan. The findings are consistent with the Discovery Centre survey and with the submissions: the priorities most often named by the community are recreation, youth, roads, footpaths and housing, and there is a sensitivity to how investment is shared between towns.

6. Development application

A development application for a Community and Tourist Centre was lodged by Site Architecture Studio on behalf of the HPA as landowner and advertised for 42 days from 6 July to 17 August 2026. It was reported to Council on 23 September 2026 (Item 12.2.11) with a recommendation for approval subject to 20 conditions and determined by Resolution OCM/26/019. Council refunded the planning fees of $18,513.63 at its meeting on 22 July 2026.

The site is zoned Commercial. The application was assessed with Community Purpose as the primary use, an 'A' use requiring advertising; the civic, office, café and shop components are permitted uses and the exhibition centre is a discretionary use. The officer's assessment found the single-storey rammed-earth design consistent with the zone objectives, the surrounding development and State Planning Policies 3.0 and 7.0. The site is not bushfire prone. The existing gallery building is on the Shire's Heritage Survey but not on its Heritage List, so its demolition is not restricted by the Scheme.

Five public submissions raised ten issues, including car parking at the adjoining IGA, traffic flow, loading bay access across the IGA lot, the use of existing vacant buildings, the scale of the building relative to residents' needs, the effect on existing businesses, changing visitor behaviour, and the Shire's financial exposure. Several of these were outside the planning assessment but are relevant to this decision. Seven State agencies responded and none objected.

The report and conditions raise matters that the Business Plan does not address and that may affect cost or deliverability:

- the Water Corporation advised that Hyden is served by a Septic Tank Effluent Disposal (STED) scheme, so the building must have a septic tank connected to the sewer, an apparatus approval is required before a building permit (the approving body to be confirmed), and the existing on-site wastewater system must be decommissioned. The Business Plan correctly describes the reticulated sewer but omits these STED requirements and includes an allowance of $35,400 for the sewer connection. Whether that allowance covers the septic tank is to be confirmed;
- the loading bay is shown with access from a right of way that is in fact private Lot 2122 (the IGA lot). A right-of-carriageway easement or an alternative access is required;
- a Traffic Management Plan with a Traffic Impact Assessment and Car Parking Plan, a Construction Management Plan, an Operational Management Plan, a Noise Impact Assessment and an acoustic study of the mechanical services are required. The application did not demonstrate how parking supply relates to each use;
- the officer noted that the universal access toilet sits separately from the main building and the accessible parking bay is at the rear, which may compromise access and will need resolution at building certification;
- no direct vehicle access is permitted to Brookton Highway, and stormwater must be managed on site; and
- the DA report records the lot as 3,938m^2. The contour and feature survey (former Lots 23 and 24 of 809m^2 and 2,145m^2), the Business Plan (section 4.1) and the Community Information Sheet all give 2,954m^2. The correct area is to be confirmed from the deposited plan and the title before transfer. The difference does not affect the approval, which relates to the lot, and the planning record should be corrected once the area is confirmed.

None of these matters is likely to prevent the development, but each must be addressed before the development can proceed, and none is costed in the Business Plan. Based on an indicative officer estimate, to be confirmed by the quantity surveyor (recommendation item 9(e)), they are in the order of:

Development approval matter (required)	Indicative cost
Septic tank and STED connection, beyond the $35,400 sewer allowance	$10,000 - $35,000
Decommissioning of the existing on-site wastewater system	$5,000 - $15,000
Loading bay access: easement over Lot 2122, or redesigned access	$10,000 - $80,000
Traffic Impact Assessment and Car Parking Plan, Construction and Operational Management Plans, Noise Impact Assessment and mechanical acoustic study	$25,000 - $60,000
Acoustic mitigation works, if the studies require them	$0 - $50,000
Accessible entry and universal access toilet, resolved at building certification	$5,000 - $30,000
Additional on-site stormwater works, if required	$0 - $30,000
Total (excluding any additional parking works)	about $55,000 - $300,000

These are costs of delivering the approved development, not optional items. If they are met from the design contingency of $500,000, they reduce the allowance available for other design risks; if not, they fall to the Shire in addition to its proposed contribution. The approval is valid for four years.

7. Current building cost trends

The Phase 2 cost estimate of $11,748,000 (HW & Associates, 31 July 2026) includes a contingency of $1,249,000 and an escalation allowance of $395,000, calculated at 3.4% to a February 2027 tender date. Cost movement beyond those allowances is a Shire liability under the proposed model (Business Plan section 12.4). The quantity surveyor's letter of 31 July 2026 suggests that provision for a further 10% escalation may be considered, which the plan does not mention.

Current market evidence supports that caution. The Cotality Cordell Construction Cost Index for the September 2026 quarter shows Western Australian construction costs rising 1.1% in the quarter and 3.6% over the year, the highest of any state, driven by freight from the eastern states and steady building activity. Rider Levett Bucknall's December 2025 forecast puts Perth tender price escalation at 6.5% for 2026 and 5.9% for 2027, and notes cost volatility on regional projects.

Applied to the Phase 2 cost before escalation ($11,353,000), each 1% of further escalation adds about $114,000. The quantity surveyor's further 10% would add about $1.14 million. If the tender were delayed twelve months beyond February 2027, for example to align with a later Commonwealth round, escalation at RLB's 2027 forecast would add about $670,000. The development approval matters at section 6, and the items excluded from the quantity surveyor's estimate, are additional to those figures.

The excluded items below are additional items rather than prerequisites for the project to proceed: each could be funded later, staged or deleted without stopping the project. Based on an indicative officer estimate, to be confirmed by the quantity surveyor (recommendation item 9(e)):

Item excluded from the estimate (extra)	Indicative cost
30kW photovoltaic system (described in the plan as a sustainability measure)	$40,000 - $60,000
CCTV	$15,000 - $40,000
Access control	$15,000 - $40,000
Carpark lighting	$15,000 - $40,000
Bin store	$10,000 - $25,000
Total	about $95,000 - $205,000

Wet fire services are the exception. They are excluded from the estimate, but if DFES requires them at building certification they become a compliance requirement rather than an extra, indicatively $80,000 to $250,000.

8. Community Resource Centre funding

The Hyden Community Resource Centre is the Centre's anchor tenant and the origin of the project. It is an independent incorporated association funded by the State through the Department of Primary Industries and Regional Development (DPIRD) under the Western Australian Community Resource Network, supplemented by fee-for-service income. The network comprises more than 100 centres. Funding has been delivered through fixed-term service contracts; the State announced a $4 million boost over four years to network operations in February 2025.

Funding for individual centres is not guaranteed. In May 2026 the State provided one-year interim funding to the Shire of Murray to continue Pinjarra CRC services after the organisation operating the centre announced it would close. Within this Shire, the Kondinin Community Resource Centre has approached the Shire about future operating arrangements, which is the subject of separate advice and reporting.

The Business Plan assumes the Hyden CRC occupies the community wing, but no occupancy agreement exists and the CRC's State funding is reviewed annually: future funding is neither confirmed nor ruled out, and the agreement is between the CRC and the State. The Shire does not control that funding. If it were reduced or ended, the CRC wing could fall vacant, the cost offsets and shared staffing the model relies on would be lost, and the Shire may face pressure to fund CRC services itself. The Schedule of Submissions first rated this risk Moderate (6); in light of the above, officers have reassessed it as Moderate (9).

9. Converting the existing CRC building to a compliant childcare centre

The Business Plan identifies conversion of the vacated CRC building (Lot 151 Naughton Street) to a childcare facility as a priority use under early consideration. Hyden's current childcare service operates from Lot 70 McPherson Street and is reported to face serious building condition issues, including suspected asbestos. Retention of the Hyden childcare service is an adopted Strategic Community Plan measure (priority 2.5). The building is owned by the Shire, is in fair condition and is well used by the CRC. The plan's description of the CRC's premises as below the standard required (Business Plan section 2.2) relates to their suitability for the CRC's services, such as location, size and access, rather than to the building's condition. No decision has been made about the building's future. No condition assessment or compliance audit has been completed, and no funding has been identified for a conversion. An indicative costing is set out below.

An education and care service and its premises require approval under the Education and Care Services National Law (WA) and the Education and Care Services National Law Regulations (WA),

which have applied in Western Australia since 1 May 2026. The Regulatory Authority is the Education and Care Regulatory Unit of the Department of Communities. An existing office-type building would need to be assessed against at least the following requirements:

Requirement	What it means for the building
Indoor space (reg 107)	At least 3.25m^2 of unencumbered indoor space per child. For example, 30 places need about 98m^2 of clear activity space, excluding storage, bathrooms, kitchens, offices, cot rooms and passageways
Outdoor space (reg 108)	At least 7m^2 of unencumbered outdoor space per child (about 210m^2 for 30 places), with natural elements (reg 113) and shade (reg 114)
Fencing (reg 104)	Outdoor space enclosed so children cannot go through, over or under the fence
Toilets, nappy change and laundry (regs 106, 109, 112)	Child-height toilets and basins; nappy change bench with adjacent adult handwashing, not accessible to children unsupervised; laundry or hygienic soiled-item arrangements
Light, ventilation and temperature (reg 110)	Well ventilated, adequate natural light, safe temperature
Administration (reg 111)	Space for administration, parent consultation and private conversations
Supervision (reg 115)	Layout, including toilets and nappy areas, that allows supervision while respecting children's privacy
Building classification	A change of use to an early childhood centre (Class 9b under the National Construction Code) requires a building permit and occupancy permit under the Building Act 2011, with fire safety, egress, accessibility and glazing brought to current standards for the affected parts
Hazardous materials	Asbestos register and survey for a building of its age before works, with removal where required
Planning	Development approval for a childcare use, with drop-off and parking arrangements
Kitchen and food	Food business registration under the Food Act 2008 if meals are prepared

For a minimum viable scope, and as an indicative officer estimate to be confirmed through the assessment in recommendation item 9(f), a conversion would cost in the order of:

Conversion item (minimum)	Indicative cost
Bathrooms: the two existing bathrooms combined, with child-height toilets and basins, and a nappy change bench with adult handwashing	$60,000 - $120,000
Laundry	$15,000 - $35,000
Structural works to open up the activity space	$25,000 - $70,000
Light and ventilation: two or three new windows	$15,000 - $45,000
Outdoor area: groundworks to build up the area	$20,000 - $60,000
Outdoor area: turf and irrigation	$15,000 - $35,000
Outdoor area: child-safe fencing and gates	$15,000 - $40,000
Outdoor area: shade structures	$25,000 - $60,000
Outdoor area: small playground with soft fall	$30,000 - $80,000
Building permit and occupancy permit for the change of classification, with certification	$5,000 - $15,000
Development approval, including design of drop-off and pick-up	$5,000 - $15,000
Drop-off and pick-up works	$15,000 - $50,000
Food business registration	under $1,000
Design, documentation and project management (about 10%)	$25,000 - $65,000
Total	$270,000 - $690,000

The estimate excludes any fire safety, egress, accessibility or glazing upgrades triggered by the change of classification, asbestos removal, furniture and equipment, and contingency, any of which could be significant. No funding has been identified for it.

Whether the building can accommodate a viable number of places, and the actual cost, cannot be determined without a detailed assessment. The Commonwealth Building Early Education Fund ($1 billion, including $500 million for builds and expansions) targets regional areas of undersupply, but its published streams are for new builds and expansions by not-for-profit providers and do not mention refurbishment, and its large-scale round closed in March 2026. Until assessed, the childcare benefit should be regarded as a potential future benefit rather than an assured outcome of this transaction, and Council should not give it weight as a reason to proceed. If the building is retained for childcare, the Business Plan's largest cost offset (the avoided cost of the CRC building) does not arise.

10. Regional employment trends

Employment in the district is concentrated in agriculture. At the 2021 Census, grain growing and mixed grain-livestock farming employed 31.5% of employed residents, and local government administration was the third-largest employer at 5.7%. Unemployment was 2.6%. Between 2016 and 2021 the number employed full-time fell from 355 to 306, and nickel ore mining, which employed 5.9% of residents in 2016, no longer appeared among the main industries.

Mining activity in the eastern part of the district has changed. IGO's Forrestania nickel operation has wound down, and in early 2026 the Cosmic Boy plant and site restoration liabilities passed to

Medallion Metals, which reported plans to begin gold toll treatment there from October 2026. Renewable energy construction (the King Rocks Wind Farm, and the proposed Kondinin Wind and Solar Farm with its workforce accommodation at Hyden) brings temporary construction employment and accommodation demand.

Across regional Western Australia, online job vacancies in January 2026 (4,711) were 1.7% lower than a year earlier, and the regional unemployment rate nationally was 4.2%. The local labour market, however, remains tight: unemployment is low, housing for incoming workers is scarce (Council has initiated land releases in Hyden and Kondinin to address this), and the Shire's Workforce Development Plan identifies competing mining wages and skills shortages as risks. These conditions favour the visitor and construction economy the Centre would serve but make recruitment and retention of the Executive Officer and customer service staff, and of a café operator, more difficult.

11. Regional population trends

The Wheatbelt region has a population of about 137,000 across 43 shires. The 2021 Census recorded a 0.1% fall in Western Australia's population outside Greater Perth that year, while the State as a whole grew. The Shire's own figures, set out at section 12, reflect farm consolidation, smaller households and an ageing population.

Visitation is a separate base. The Business Plan uses 100,000 to 140,000 visitors a year to Wave Rock (the operating model uses 150,000 district visitors; the economic analysis uses 120,000), and growing traffic on the Hyden-Norseman road is noted in Submissions 7 and 14. The assumed visitor base has not been tested, and the corrected figures rely on the visitor scenarios, with Scenario A used as the planning case. Visitation would be measured by a door counter from opening and tested at the 6- and 12-month reviews (Risk R3).

12. Population decline in the district

The Shire's estimated resident population fell from 1,068 in 2011 to 894 in 2016, a fall of 16%. It has since been broadly stable: 872 in 2021 and 874 in 2025. The 2021 Census counted 847 people, 384 of them in Hyden. The population is ageing: the median age rose from 43 in 2016 to 46 in 2021, and the share aged 65 and over rose from 17.2% to 20.5%, reaching about 21% in 2024.

For this decision, the significance is threefold. The resident user base for the library, CRC and meeting rooms is small, ageing and not growing, so the Centre's income must come mainly from visitors. The rate base that would fund any continuing subsidy is not growing in real terms. And the Long-Term Financial Plan has not been re-modelled to test the Centre against continued decline or the loss of mining rates (Submissions 9, 17 and 18).

13. Shire employment trends

The Shire's Workforce Development Plan 2022/23-2026/27 records a workforce of about 37 employees (25 full time, 8 part time and 4 contract), or about 60 including casual staff, with a median age of 53 compared with 46 for the district. It rates the ageing workforce as a high risk and identifies skill shortages, competing mining wages and staff housing as constraints. It states that the Discovery Centre and the Hyden Sports Centre would likely exceed the capacity of the current workforce if added to normal workloads.

The Customer Service Officer positions are the two existing Hyden office positions, transferring to the Centre with the work they now do, with CRC staff cross-trained to cover absences. The four-position establishment considered during operational planning is no longer proposed. The only addition to the establishment is the Executive Officer, an increase of about 3% in permanent staff. Opening hours are not yet settled and would be set through the budget (Business Plan section 7.4); the corrected model uses a seasonal pattern, which balances weekend visitation against weekend staffing and volunteer demand (Financial section). The Shire is concurrently delivering a multi-million dollar road program, pathway and other capital works.

14. Ageing volunteers

Volunteering underpins community life in the district, but it is declining and ageing. The proportion of residents aged 15 years and over who volunteered through an organisation fell from 42.7% in 2016 to 38.4% in 2021. Research by the Bankwest Curtin Economics Centre on WA's rural volunteer workforce found that 40% of rural volunteer organisations already faced shortages and a further 16% expected them within five years and identified burnout and out-migration as major risks. Nationally, formal volunteering has not returned to its pre-COVID level.

The operating model funds paid staff for core operations, but the officers' operational planning indicates that weekend second-person coverage needs about 104 volunteer shifts a year (eight to ten regular volunteers) unless these shifts are filled by paid casual employees at $30,000 to $100,000 a year. Seasonal opening would reduce this to about 64 shifts a year. The HPA, which would co-fund the Executive Officer and lead volunteer coordination, is itself a volunteer organisation, and its future capacity was questioned in Submissions 9 and 25. Reliance on volunteers and volunteer fatigue were raised in Submissions 5, 16, 17 and 19.

15. Other matters relevant to the decision

Grant funding

The Lotterywest application was lodged on 10 August 2026 with an outcome expected in December 2026. The Commonwealth's 2026-27 Budget committed $750 million over three years to new rounds of the Thriving Suburbs and Growing Regions programs. A forecast notice for Growing Regions Round 3 has been published, with grants of $250,000 to $15 million, but the round has not opened and its co-funding rules are not yet known. Clause 8 of Resolution 4645 (29 October 2025), reaffirmed in July 2026, records that Council "endorses and approves the withdrawal of Shire resources and funding if the next round of grant funding applications is not successful"

Alternatives

The Business Plan assessed an upgrade of existing facilities and a reduced-scope facility but did not cost either. Submissions 4, 9, 11, 14, 19 and 20 seek a smaller or staged option, and Submission 17 asks that existing assets be upgraded instead. The proposal has been submitted for grant funding in its current form and cannot be changed within those applications. A materially smaller or different project would be significantly different under section 3.59(6), requiring a fresh business plan and new funding applications. Council's decision is therefore whether to proceed with this proposal, not a choice between this proposal and a costed alternative. Several submitters consider that a limitation, and Council may weigh it accordingly.

Katter Kich Gallery and Tours

Katter Kich Gallery and Tours, an Aboriginal-owned business, trades from the existing building on the site, which the HPA will demolish before the land is transferred. Its current occupancy is an arrangement with the HPA as landowner, and the MOU leaves management of the transition to the HPA.

Three matters follow for consideration. The first matter is business continuity: the business would need somewhere to trade during construction, and if it stopped trading the Centre could open without the gallery tenancy and cultural programming the plan assumes. The second matter is process: any lease of the studio and gallery would be a disposition under section 3.58, by public tender or auction, or by private treaty after local public notice and with a current valuation. On the current understanding of the proposed occupants and their legal structures, no exemption under regulation 30 has been established. No evidence has been provided that the proposed commercial occupant is a body whose rules prevent its members receiving any pecuniary profit from it, which the exemption for cultural and similar bodies requires. The project has developed over nearly ten years and earlier iterations named the business as the intended occupant, but no tenancy has been granted or confirmed, and any terms must be reached openly. The third matter is the business's cultural role: the business's connection with the interpretation of Katter Kich and with the Elders gives it a place in the Centre's cultural

programme, which should be recognised in how the space is offered, without guaranteeing the outcome.

The Lotterywest application describes the business as the future occupant of the studio and gallery. This should be understood as an intention subject to section 3.58 and clarified with Lotterywest if needed. If Council proceeds, the transition arrangements, any temporary premises and the proposed basis for offering the space should be reported to Council before demolition and before the construction contract is let.

Admission

Whether to charge for admission, and how much, is not part of this decision. Any admission fee would be set under section 6.16 with the 2028-29 budget, with local public notice under section 6.19 if set at another time. The model's $20 placeholder reflects WA comparables of $20 to $26, but Submission 20 notes that it sits beside the $12 vehicle fee and an existing $20 pass at Wave Rock. The community survey was mixed: 31% preferred free entry, 13% a low-cost fee, 38% a fee for visitors with local concessions and 19% a fee for all users.

Income is sensitive to the price. At seasonal opening, each $5 change in the fee moves first-year income by about $35,000 at Scenario A and $70,000 at Scenario B, and with no charge income falls by $141,000 to $423,000. Options for Council include charging only for the exhibition, with the library, CRC, café, shop and foyer free; free entry or concessions for Shire residents; family and school-group rates; a combined ticket with the Wave Rock parking fee, which the Shire sets, so that visitors are offered the Centre where they already pay; and an introductory price reviewed after 12 months.

Operating cost

The operating model's own Caveats and Limitations statement says the projection is indicative, that the entrance fee is a placeholder rather than a forecast, that ramp-up is not modelled, and that regional interpretive centres commonly underperform their income projections and need ongoing subsidy (caveats 9, 10 and 16). The officers' operating requirements review costs seven-day operation and finds the model understated by $88,000 to $217,500 a year before insurance. The corrected figures, including the LGIS insurance quotation, are set out in the Financial section.

Governance

Two members of Council are members of the HPA. In a small community, membership of the HPA reflects participation in local community life and is open to residents. Neither member holds office in the Association. Neither member has a financial interest (section 5.60A) or a proximity interest (section 5.60B) in this matter, and neither stands to gain or lose personally from the transaction. Their membership is, however, an interest arising from membership of an association, which could reasonably be perceived to affect impartiality. Submission 17 raised a concern about the perception that decisions on this project have been advanced by a Council predominantly represented by councillors residing in or closely associated with the Hyden community. Submission 16 said that the Shire and the HPA can be viewed as one entity, which people feel unable to challenge. No submission referred to individual members' connections with the HPA.

Managing the interests at the meeting. The Model Code of Conduct requires each member to disclose the nature of the interest, either by written notice to the Chief Executive Officer before the meeting or at the meeting immediately before the item is discussed, and the disclosure is recorded in the minutes. Disclosure does not, of itself, prevent the member from participating and voting, and section 5.21(2) requires each member who is present at the meeting to vote on the motion for this item, subject to section 5.67. How each member proceeds after disclosing is a matter for that member, who may seek guidance from the Chief Executive Officer before the meeting. This report does not recommend or direct either member to remain or to leave. If either member is absent during the item, the quorum and absolute majority requirements continue to apply: with 7 offices, the quorum is four (section 5.19). An absolute majority is a majority of the offices of member, whether vacant or not, and

does not reduce if a member is absent: a decision to proceed under section 3.59(5) would need 4 votes in favour in any case.

16. Correction to the advertised operating figures

Section 9.5.1 of the advertised Business Plan identified three respects in which the operating model understates cost: the public liability and building insurance allowance ($5,528 a year), the general building maintenance allowance ($1,843 a year), and cleaning, utility and maintenance lines struck on 849m^2 rather than on the 928m^2 design. It stated that an insurance quotation and a maintenance schedule would be obtained, and those lines corrected, before the plan was adopted for advertising. Through an administrative oversight, the corrections were not made, and the plan was advertised with the original figures. Submission 11 identified this.

Correcting the figures does not change the transaction. The land, the building, the parties, the scope and the Shire's capital contribution are the same. Section 3.59(3)(c) does, however, require the plan to include details of the expected financial effect on the Shire, and the public was invited to comment on the figures as advertised. The plan disclosed that the lines were understated, so the public was on notice, and fourteen submissions engaged with operating cost.

Another factor is the extent of the correction, and it depends heavily on staffing and opening hours. Based on seven-day opening, the operating requirements review (Attachment 6) adds $88,000 to $217,500 a year to the advertised cost before insurance. Under the configuration now proposed, with seasonal opening, the two existing Hyden office Customer Service Officers transferring to the Centre and the LGIS insurance quotation of $24,000 a year, the gross Scenario A cash deficit is $337,145 against $211,138 advertised, and $305,263 after tenant recovery of outgoings. On the incremental measure the plan identifies as the effect of the transaction (Business Plan section 9.5.7), the position is better than advertised: a deficit of $133,263 at Scenario A and a surplus of $148,737 at Scenario C. That holds only if the two positions transfer as confirmed and the offsets are real (Financial section).

The advertised plan also costed business hours (Business Plan section 7.4) while its income model assumed seven-day visitation. The corrected model addresses that inconsistency by matching income to the hours costed. Whether the correction as a whole is material is a question for legal advice: whether Council can rely on the corrected figures in making its decision, or whether the corrected Business Plan should be advertised again under section 3.59(4) before Council decides. Advice has been sought and is expected after this meeting (section 19). Re-advertising would require a further submission period of at least six weeks.

The corrected figures are presented as a range rather than a single forecast (Financial section), from a higher-cost case, being the worst credible case on current information, to the incremental position. Shared costs are recovered from tenants on terms to be settled through lease negotiations under section 3.58, so recovery remains an assumption until leases are signed. Common areas, the foyer and visitor information, the exhibition, Shire-occupied space, and structural maintenance and renewal remain with the Shire as owner. Section 3.59 does not expressly prescribe a whole-of-life costing, but the plan must give enough information for the expected financial effect on the Shire to be understood. Maintenance and renewal provisions at a quantity surveyor's benchmark contribute to that, and their adequacy should be read with the corrected operating model, the Asset Management Plans and the Long-Term Financial Plan. Two of the three items that could be settled before Council decides have now been addressed: LGIS has quoted $24,000 a year to add the building to the Shire's insurance portfolio, with tenants holding their own insurance, and outgoings are apportioned on the 220m^2 of commercial tenancies. The visitor base, including weekday and weekend visitation patterns, remains untested.

17. Matters arising from submissions

The Schedule of Submissions (attached) sets out the officer comment on each submission. Those comments are for Council's consideration and do not represent a position of Council. Most of the matters they raise are addressed elsewhere in this report. The following matters are highlighted

because they call for a Council decision or statement, or because the schedule identifies them as information Council should have before it decides.

Matter	Submission Number	Position and what Council may do
Executive Officer package	19	The position is costed at $160,000 a year as a total package: housing (rent) of $24,000; a vehicle allowance of $19,000; a fringe benefits tax provision of about $11,700; and a balance of about $105,300 for a gross salary of about $89,200, superannuation at 12% of about $10,700 and on-costs of about $5,350 (workers' compensation, long service leave accrual and leave loading). The FBT provision assumes the Shire meets the rent and the remote area 50% reduction applies; if the remote area housing exemption applies, the provision is not needed, and if no concession applies FBT would be about $23,500. Housing and the vehicle reflect the difficulty of recruiting and retaining staff in the region. Keeping the salary near the $100,000 benchmark with the FBT provision in place would take the package to about $172,000. A three-year fixed-term appointment, suggested in Submission 14, could be considered when the position is established.
Own-source revenue figures	11	The 36% figure is the Shire's 2024-25 own-source revenue ($5.81 million) as a share of total operating expenditure ($16.15 million), which includes $10.09 million of depreciation. The 56% figure is the 2025-26 own-source revenue coverage ratio in the Long-Term Financial Plan. The two figures measure different things and are not contradictory, but the advertised plan did not explain the difference. The Long-Term Financial Plan was prepared before the concept was raised, modified and separately consulted on. It is under review and will be adjusted to the figures Council accepts and endorses.
Customer Service Officer positions	14	Settled: the two positions are the existing Hyden office roles, transferring to the Centre, with CRC staff cross-trained to cover absences. The model costs them at $70,000 each.
Possible condition on the land	11	Recital (b) of the executed MOU (Appendix A to the plan) and the Shire's Community Information Sheet record that a condition of the HPA's 2018 purchase was that the Great Western Woodlands component continue within any new building. The vendor, Mr Colin Muir, advised in writing on 2 November 2026 that there was no such condition. The only condition about future use gave the vendor use of the sheds on the site for storage until the HPA demolished them or let them to a third party, and there was no condition about the HPA's future use of the land. The development application report refers to remnant slabs of the former sheds. Whether any property of the former vendor remains on the site, and whether the storage right can still be exercised, has not yet been confirmed, and is to be resolved before the land is transferred. Section 12.2 of the plan is therefore correct. The MOU recital and the Community Information Sheet are not and should be corrected when next updated. The Great Western Woodlands remain a theme of the Interpretation Plan by design, not by obligation.
Errors in the advertised plan	11	The corrections are listed at section 3 and will be dealt with in the report on the deferred decision (section 19).

Matter	Submission Number	Position and what Council may do
Shire administration	5, 15, 23	The plan does not propose moving the Shire's administration to Hyden; Shire use of the Centre is limited to the library, visitor information and a small flexible working area. Item 6 of the recommendation records this.
Vacated buildings	5, 9, 15, 19	The future of the existing CRC building and the leased shopfront has not been decided. Council may state its intentions now or require a decision before any binding step (Option 2(h)).
Tenancy probity	7, 9, 10	The project has developed over nearly ten years, and earlier iterations named intended occupants. No tenancy has been granted or confirmed. Any lease is a disposition under section 3.58, by tender or auction, or by private treaty after local public notice and with a current valuation. No exemption under regulation 30 has been established for any proposed occupant. Council will consider any disposal of space in accordance with the legislation when terms are settled. The café will be offered by expression of interest, with evaluation criteria giving weight to proposals that complement existing Hyden businesses; the lease will not restrict trade. See also section 15.
Costs already incurred	14, 26	Phase 1 costs ($437,209, of which the Shire contributed $256,500) and the volunteer and staff effort already invested are not recoverable whatever Council decides. They should not weigh for or against proceeding.
Performance measures	11, 13, 17, 22	The plan sets none. Council may adopt the CWA's measures (longer visitor stays, visitor feedback, local spending and event participation), together with visitation, capture rate, cash cost recovery and room use, reported publicly each year. These would underpin the reporting in Option 2(d).
Existing halls and visitor information	10	The Centre is not comparable with the existing halls, which were not built for, and do not serve, visitor or tourist use. Hyden Hall booking records show use mainly by two local groups, a dance studio and pickleball, at about $10 a session, earning about $1,250 (ex GST) from July 2024 to date, or about $500 a year. The Centre's rooms serve different uses, such as visiting services, training and functions. The $10,500 a year of room hire the model assumes depends on that demand, which the Shire cannot commit (Business Plan section 8.7).
Admission price	20	The comparison with the $12 vehicle fee and the existing $20 pass at Wave Rock is fair. Admission is not part of this decision; the options, including a combined ticket with the Wave Rock parking fee, are at section 15.
Café kitchen fitout	16	The Shire provides base-building and statutory services to the tenancy (fire, power and water), with a $6,000 allowance; kitchen fit-out is the tenant's responsibility. The submitters' estimate of about $100,000 has not been tested. The expression of interest (Option 2(j)) will test tenant interest on that basis.
Recruitment	14, 16, 25	Recruitment and retention risk is not in the plan's own risk register and is recorded at R10 in this report.

Other matters raised are recorded in the schedule and do not require Council to make a decision at this meeting: design points referred to the architect (café street frontage, roof drainage designed for extreme rainfall, windows and building form), the name of the Centre (to be settled with the Elders), town amenities and investment in the Wave Rock precinct (budget matters), a national park proposal (outside the scope of the plan) and consultation with people aged 17 to 40.

18. Options and officer recommendation

Council has four courses open to it: proceed as proposed (Option 1), proceed in a form not significantly different subject to conditions (Option 2), defer the decision (Option 3) or not proceed (Option 4). The officer recommendation is Option 3. The motions for the alternatives are set out at the end of this section. Each would replace items 8 to 12 of the recommendation; items 1 to 7 and 13 apply whichever course Council takes.

Why officers do not recommend proceeding now

Section 3.59 requires Council to decide with a clear understanding of the transaction's expected effects on the Shire, including its expected financial effect (section 3.59(3)(c)), after considering the submissions. The submissions and the officers' review show that, on the information now available, that effect cannot yet be stated with enough confidence to commit the Shire:

- the advertised operating figures were understated, and whether Council may rely on the corrected figures without advertising them again is the subject of legal advice not expected before this meeting (sections 16 and 19);
- the corrected operating model has not been independently reviewed, and the Long-Term Financial Plan has not been re-modelled to incorporate it (Financial section);
- under the proposed model, cost movement beyond the contingency and escalation allowances falls to the Shire, construction costs may rise beyond the escalation allowance, and the costs of the development approval conditions are not yet known (sections 6 and 7);
- the arrangements on which the operating model depends are not settled: the CRC's occupancy and its State funding, the HPA's capital and Executive Officer contributions under a non-binding MOU, and the café tenancy (sections 8 and 17);
- neither capital grant has been decided, and the Growing Regions Round 3 guidelines have not been published; and
- the community is divided: eight submissions oppose the proposal and seven raise concerns, and 73% of survey respondents are concerned about the level of Shire investment relative to other priorities.

None of these is, by itself, a reason to refuse the project. Most can be resolved with time and further work, and several will be resolved by the funding outcome itself. Together, they mean that a decision to proceed now would rest on figures and arrangements that remain unsettled, and on a legal question that is still open.

Defer the decision (recommended; simple majority)

Deferral allows Council to decide on settled figures, with the Lotterywest outcome (expected in December 2026) and the legal advice known, without giving up the current funding round. The outer date of March 2027 prevents the decision from being delayed beyond the escalation allowance or the funding window (item 8). Apart from the legal advice already sought, the work in item 9 starts only if the Lotterywest application succeeds, so that no further cost is incurred if it does not.

Items 10 to 12 keep Council's earlier decisions in place. If the Lotterywest application is unsuccessful, both the 2025 resolution and the July 2026 confirmation require the Shire to withdraw. Item 10 asks the Chief Executive Officer to implement that withdrawal without choosing between the two wordings or changing either resolution, and the deferred decision does not return to Council. Work on the Growing Regions application would cease, and the application would be withdrawn if the

legal advice confirms that this follows from both resolutions. Item 11 requires a reduced Lotterywest offer to come to Council with legal advice before any response, because the funding model or scope would then differ from the plan advertised, which may be a significant difference under section 3.59(6). Item 12 prevents any binding step before Council decides. Deferral has costs of its own: officer and consultant time, continued uncertainty for the HPA, the CRC and the community, and continued cost escalation.

Alternative motions

If Council prefers to decide at this meeting, the motions below are set out so that a properly framed motion is available. Options 1 and 2 require an absolute majority and are not recommended for the reasons above; in particular, the legal advice on whether Council may rely on the corrected figures is not expected before this meeting. Option 4 is not recommended now because it would decide on the same incomplete information and end the current funding round before the outcome is known, when clause 8 already provides for withdrawal if the funding fails. If Council considers that the project should not proceed whatever the funding outcome, Option 4 should be taken now, rather than after further expenditure.

Option 1 - Proceed as proposed (absolute majority)

8. Resolves under section 3.59(5) of the Act to proceed with the major land transaction as proposed in the advertised Business Plan, comprising the acquisition of Lot 800 on Deposited Plan 421688 from the Hyden Progress Association Incorporated and the development of that land as the Wave Rock (Katter Kich) Discovery Centre, subject to both Phase 2 capital grants described in the Business Plan being secured.

9. Requires the Long-Term Financial Plan and Asset Management Plans to be amended to carry the operating subsidy, depreciation and periodic maintenance and renewal provisions before any construction contract is executed.

10. Requires a further report to Council before the Shire enters into any funding agreement, land transfer or construction contract.

Option 2 - Proceed subject to conditions precedent (absolute majority)

Option 2 makes progression subject to conditions that must be met and reported to Council before any binding step and sets an annual operating subsidy limit (Financial section).

8. Resolves under section 3.59(5) of the Act to proceed with the major land transaction so that it is not significantly different from what was proposed in the advertised Business Plan, subject to each of the following conditions being satisfied and reported to Council before the Shire enters into any funding agreement, land transfer or construction contract:

(a) both Phase 2 capital grants described in the Business Plan are secured in full. If either is unsuccessful or is offered at a lesser amount, the matter is to be reported to Council;

(b) the Shire's capital contribution does not exceed $1,425,000 ($1,400,000 cash and $25,000 in kind). Any escalation, unfunded exclusion or cost arising from conditions of development approval beyond the contingency and escalation allowances is to be met by scope management or external funding, and any proposal to exceed this amount is to be reported to Council with advice on section 3.59(6);

(c) a revised operating model is reported to Council, based on the 928m^2 design and a 2029-30 first full operating year, showing the gross cost of the building (including an insurance quotation for the whole building and maintenance and renewal provisions at a quantity surveyor's benchmark), the share assumed to be recovered from tenants through outgoings, the net cost to the Shire and the net cost if the commercial spaces are vacant, together with the staffing establishment and penalty rates required for the proposed opening hours and quantified offsets for the existing Hyden library, visitor information and Community Resource Centre arrangements;

(d) an annual net cash operating subsidy limit, excluding depreciation and after tenant recoveries and the Hyden Progress Association's contribution to the Executive Officer, of $275,000 in the first full year of operation, $205,000 in the second and $135,000 from the third, in 2027-28 dollars indexed to CPI, with annual public reporting against performance measures, a report to Council if the limit is likely to be exceeded, and a review if it is exceeded in two consecutive years;

(e) the Long-Term Financial Plan and Asset Management Plans are re-modelled, including sensitivity to the loss of mining rate revenue and to population decline, and adopted by Council;

(f) a binding agreement is executed with the Hyden Progress Association covering its $500,000 capital contribution and its share of the Executive Officer position;

(g) heads of agreement for the Hyden Community Resource Centre's occupancy are settled, including its share of outgoings and the arrangements if its State funding ends;

(h) Council has decided the future of the existing Hyden Community Resource Centre building, informed by a building condition and compliance assessment and a costing of any conversion to childcare;

(i) the costs of meeting the conditions of development approval, and of the items excluded from the quantity surveyor's estimate, are confirmed, including the wastewater connection arrangements, decommissioning of the existing on-site system, vehicle access to the loading bay over Lot 2122, and the traffic, parking and acoustic requirements, and the site area is confirmed;

(j) expressions of interest have been sought for the café tenancy before the issued-for-construction documents are finalised; and

(k) an independent peer review of the operating model has been completed and reported to Council.

Option 4 - Not proceed (simple majority)

8. Resolves not to proceed with the major land transaction described in the advertised Business Plan.

9. Requests the Chief Executive Officer to advise the Hyden Progress Association, Lotterywest, the Hyden Community Resource Centre and each submitter of the decision, to withdraw the Shire's Lotterywest application and any application under the Growing Regions Program, and to give notice ending the Memorandum of Understanding under clause 15.2.

10. Requests a report on the future of the Hyden Discovery Centre Reserve, having regard to section 6.11 of the Act, and on accommodation options for the Hyden library, visitor information and Community Resource Centre services and for childcare in Hyden.

19. Matters to return to Council

Further legal advice was sought on 4 November 2026 and is not expected before this meeting. The advice is privileged. It will be provided to members under confidential cover when it is received and, if it arrives before the meeting, the recommendation will be updated if necessary.

Depending on the advice and the funding outcome, the following matters will come back to Council, each in a separate report.

Event	Report to Council	Expected timing
A corrected Business Plan is to be advertised	Adoption of a corrected Business Plan for Statewide public notice and a submission period of at least six weeks; the section 3.59(5) decision after the new period closes	Adoption at the December 2026 meeting. A period over the holidays should run longer than six weeks. Decision by March 2027
Lotterywest application unsuccessful	The withdrawal actions taken and the future of the Hyden Discovery Centre Reserve (item 10)	Meeting after the outcome, expected December 2026
Lotterywest offer below the amount sought	The offer, with legal advice, before any response (item 11). Further work, and possibly a fresh business plan, may be needed	Ordinary or special meeting, within the funding body's deadline
Lotterywest offer in full	No acceptance before the section 3.59(5) decision (item 12). A report if the offer must be answered before Council can decide	Ordinary or special meeting
Lotterywest succeeds and the Growing Regions application later fails	A report on the options	When the Growing Regions outcome is known
The deferred decision	The matters in item 9: the legal advice, peer review, re-modelled Long-Term Financial Plan and Asset Management Plans, CRC heads of agreement and HPA agreement terms, costings of the development conditions and estimate exclusions, the existing CRC building, Growing Regions Round 3 and the allocation of unfunded costs; and whether new information should be published for comment	First Ordinary Meeting after the Lotterywest outcome and the advice, and no later than March 2027

If Council later decides to proceed, further decisions would follow before any binding step: the funding agreements, the land transfer, the construction tender under section 3.57, any leases under section 3.58, adoption of the re-modelled Long-Term Financial Plan, and budget and reserve decisions under sections 6.8 and 6.11.

FINANCIAL

Capital

Source	Amount	Status
Commonwealth regional grant	$8,205,086	Round 3 forecast; not open
Lotterywest arts and culture infrastructure	$2,080,123	Lodged 10 August 2026; outcome December 2026
Shire of Kondinin - cash	$1,400,000	Reserve and budget
Hyden Progress Association - cash	$500,000	Under non-binding MOU
Sub-total, Phases 1 and 2	$12,185,209	

Source	Amount	Status
Phase 3 exhibition fitout and Elder consultation	$1,040,000	Largely unfunded
In kind - land (HPA) and waived fees (Shire)	$275,000	
Total value of the transaction	$13,500,209	

The Hyden Discovery Centre Reserve held $977,706 at 30 June 2026 (Business Plan section 9.3). Council's $1.4 million cash commitment (Resolution 4645, 29 October 2025) includes the $250,000 authorised under the 2025 MOU for preliminary project costs. The residual of $422,294 is to be provided by two equal transfers in the 2026-27 and 2027-28 budgets.

The Shire's Phase 1 contribution of $256,500 includes the reimbursement of the HPA's preliminary project costs authorised under the 2025 MOU (Resolution 4645, clause 7: up to $250,000). The Shire has paid $256,500 in Phase 1 costs to date. It forms part of the Shire's $1.4 million commitment and is not a repayment of the HPA's own contributions. The Shire also refunded planning fees of $18,513.63 for the development application. No borrowing is proposed.

Under the proposed model, cost movement beyond the contingency and escalation allowances is a Shire liability (Business Plan section 12.4). Escalation beyond the $395,000 allowance, unfunded exclusions, the cost of development approval conditions (septic tank and STED connection, decommissioning of the existing system, loading bay access, traffic, parking, noise and acoustic studies, access redesign) and any shortfall in Phase 3 would become the responsibility of the Shire unless managed through scope for further funding. Indicative escalation exposure is set out at Background section 7: about $114,000 for each further 1%, about $1.14 million at the quantity surveyor's further 10%, and about $670,000 for a twelve-month delay. On indicative estimates, the development approval conditions add about $55,000 to $300,000 and the excluded extras about $95,000 to $205,000, with wet fire services a further $80,000 to $250,000 if DFES requires them (Background sections 6 and 7).

Unfunded items

The items below are not funded in the Business Plan or the transaction's funding sources. The figures are indicative officer estimates, except where the plan gives a figure, and are to be confirmed by the quantity surveyor (recommendation item 9(e)).

Item	Indicative cost	Type	Responsibility
Development approval conditions (Background section 6)	$55,000 - $300,000	Required to deliver the approved building	Not allocated. The Shire as principal, unless met from the $500,000 design contingency
Wet fire services, if DFES requires them (Background section 7)	$80,000 - $250,000	Required if DFES mandates	Not allocated
Items excluded from the estimate: photovoltaic system, CCTV, access control, carpark lighting, bin store (Background section 7)	$95,000 - $205,000	Extras; can be staged or deleted	Not allocated

Item	Indicative cost	Type	Responsibility
Other items excluded from the estimate (Business Plan section 4.3): commissioning and relocation, specialist audiovisual, fencing and gates, landscape lighting, EV charging, backup generator, external furniture, and asbestos found in the ground after transfer	Not priced	Commissioning and relocation will be required; the rest are extras or contingent	Not allocated
Café kitchen fit-out	About $100,000 (submitters' estimate, untested)	Required for the café to trade	Assigned by the plan to a café tenant; no tenant identified
Phase 3 exhibition fitout and Elder consultation	$1,040,000 (plan figure)	Required for the exhibition; can be staged	Community fundraising led by the HPA; largely unfunded. A shortfall falls to the Shire unless scope is reduced
Conversion of the CRC building to childcare (Background section 9)	$270,000 - $690,000	Outside the transaction; depends on a decision to convert	Not allocated. The Shire as owner
Escalation beyond the $395,000 allowance (Background section 7)	About $114,000 for each 1%; about $670,000 for a 12-month delay	Contingent	The Shire as principal (Business Plan section 12.4)

Excluding escalation and the café kitchen, the priced items total $1,540,000 to $2,485,000.

Responsibility for these costs has not been resolved. The Business Plan does not allocate them, apart from Phase 3 (community fundraising) and the café kitchen (a tenant). Under the proposed model, the Shire as principal and owner would carry any that are not met from the design contingency or further grants or avoided by staging or deleting extras. Meeting them from the $500,000 design contingency would reduce the allowance for other design risks. For comparison, the Shire's proposed contribution is $1,425,000. Who meets each cost, and from what source, should be settled before Council decides (recommendation item 9(i)).

If a grant is unsuccessful or reduced, the funding gap would be up to $2,080,123 (Lotterywest) or $8,205,086 (Commonwealth). On that outcome the project could not proceed on the advertised funding model (Business Plan section 9.6). A reduced grant would not alter the recurrent figures below.

Recurrent

The following figures are drawn from the corrected financial model (Attachment 8) and are presented as a range rather than a single forecast. The corrected model applies the three corrections the plan promised, the seven-day running costs identified in the operating requirements review, and a seasonal opening pattern: weekdays year-round, plus weekends from August to November, school holidays and long weekends. That pattern retains about 94% of modelled visitors while opening on 64 of 104 weekend days. Staffing is the Executive Officer and the two existing Hyden office Customer Service Officers. The figures include the LGIS quotation of $24,000 a year to add the building to the Shire's insurance portfolio; tenants will hold their own insurance.

Indicative first full operating year, cash (2027-28 dollars)	Scenario A (5% capture)	Scenario B (10%)	Scenario C (15%)
Advertised	($211,138)	($61,138)	$88,862
Higher-cost case: seven days, volunteers fall short, no tenant recovery	($417,760)	($267,760)	($117,760)
Gross: seasonal opening, two Customer Service Officers	($337,145)	($196,145)	($55,145)
After tenant recovery of outgoings	($305,263)	($164,263)	($23,263)
Incremental: after transferring staff and the HPA share of the Executive Officer	($133,263)	$7,737	$148,737

In considering the table, Council should note that:

- the lines are cumulative. The higher-cost case is the worst credible case on current information. The gross line is the proposed configuration before any recovery. The tenant recovery line apportions insurance, electricity, cleaning and water to the café, gift shop and studio/gallery (220m^2 of the 873m^2 useable area). The incremental line adds the offsets below. Accrual figures are a further $322,750 lower for depreciation;
- the model expects first-year capture below Scenario A, rising to Scenario B or C over two to three years. The advertised ten-year cash result ranges from a deficit of $3.1 million (A) to a surplus of $0.5 million (C). On the corrected model it ranges from a deficit of $4.25 million (A) to $0.83 million (C) after tenant recovery, or from a deficit of $1.84 million to a surplus of $1.58 million on the incremental measure, with the HPA's share of the Executive Officer applied at the MOU percentages (20% in years 1 to 5 and 50% in years 6 to 10);
- the model's first full year is 2027-28, but practical completion is programmed for August 2028. At the model's 4.2% escalation, all figures are about 8.6% higher in 2029-30 dollars;
- the insurance line is the LGIS quotation of $24,000 a year for a building insured at about $13 million, added to the Shire's existing portfolio. Prospective tenants will be required to hold their own insurance, and the share of the premium attributable to the tenancies is recovered through outgoings;
- the two Customer Service Officers are the existing Hyden office positions, transferring to the Centre with the work they now do, with CRC staff cross-trained to cover absences. The model costs them at $70,000 each, subject to Finance confirming their current cost. The incremental line treats them as transfers; presenting the figures net of existing staffing is a change of basis from the advertised plan and forms part of the operating cost correction (Background section 16);
- the incremental line includes the transferring positions ($140,000) and the HPA's share of the Executive Officer (20% of its cost in years 1 to 5, or $32,000 in year 1, and 50% in years 6 to 10, under a non-binding MOU). It does not include rent on the leased Hyden shopfront (to be determined) or the avoided cost of the existing CRC building, which does not arise if that building is retained for childcare;
- if no admission is charged, first-year income falls by $141,000 to $423,000 across Scenarios A to C at seasonal opening; and

- as a share of 2026-27 general rates ($3,949,933), the cash deficit after tenant recovery is 7.7% at Scenario A, 4.2% at B and 0.6% at C, or about $327, $176 and $25 per rateable property (933). The higher-cost case is 10.6% at Scenario A, about $448 a property.

Cleaning, utilities and insurance are shared costs. Their amounts will not be known until the building operates, but the basis on which they are shared can be settled now: net leases with outgoings apportioned by floor area, sub-metering of the café's power and water, the Shire cleaning common areas and tenants their own space, and the CRC's contribution to outgoings settled in its occupancy agreement. That basis would guide lease negotiations under section 3.58. The café and gift shop rents assumed are net, and each tenant, including the studio and gallery, will pay its agreed share of outgoings. Rents for every tenancy will be set by an appraisal of rental value before any disposition under section 3.58, so the rents in the model are placeholders until then.

Some operating figures will be known only once the Centre is open. Council's principal protection lies less in the precision of the model than in the governance and financial controls it establishes: an annual operating subsidy limit, reviews at 6 and 12 months after opening, opening hours, fees and the staffing establishment set each year through the budget, and an establishment that starts at two Customer Service Officers and grows only if visitation justifies it. Several of these are reflected in Option 2(c) and (d).

Annual operating subsidy limit (Option 2(d))

Option 2(d) would set a limit on the annual operating subsidy: the net cash cost the Shire would meet each year to run the Centre. It includes all operating costs, including the two Customer Service Officers once they transfer, less admission, rent and other income, the outgoings recovered from tenants and the HPA's contribution to the Executive Officer. Depreciation ($322,750 a year) is excluded because it is not a cash cost, although it remains a charge against the Shire's operating result. The limit uses this measure because it is the figure that will appear in the Shire's budget and accounts, so it can be monitored each year. The incremental measure in the table above is the right test of whether the transaction is worthwhile, but it deducts costs that will still appear in the accounts, so it cannot be checked against them.

On the corrected model, the subsidy in the first full year would be about $273,000 at Scenario A and $132,000 at Scenario B; Scenario C shows a small surplus. The model expects first-year visitation to fall below Scenario A and to build to Scenario B or C over two to three years. The limit follows that path: $275,000 in the first full year of operation, $205,000 in the second, and $135,000 from the third. At 2026-27 rates, those amounts equal about $295, $220 and $145 per rateable property, or 7.0%, 5.2% and 3.4% of general rate revenue.

The subsidy is measured differently from the incremental position in the table above. At Scenario A, the cash deficit after tenant recovery ($305,263) less the HPA's contribution to the Executive Officer (about $32,000) gives a subsidy of about $273,000. The incremental measure also deducts the $140,000 cost of the two transferring Customer Service Officers, because the Shire meets that cost now. The subsidy does not, because once the positions transfer their cost forms part of the Centre's operating budget.

The limits are stated in 2027-28 dollars, the model's base year, and indexed to CPI. Practical completion is programmed for August 2028, so the first full year of operation is likely to be 2029-30, when the figures would be about 8.6% higher; indexing keeps the limit meaningful whenever the Centre opens. If the subsidy is likely to exceed the limit in any year, a report would be presented to Council with the reasons and the options, such as adjusting hours, fees or staffing. If the limit is exceeded in two consecutive years, Council would review the Centre's operating model. The amounts are drawn from the model's scenarios. Council may prefer a single flat limit or different amounts.

The Long-Term Financial Plan 2024-2033 does not carry the Centre's capital or recurrent costs and has not been re-modelled. The independent economic analysis (benefit cost ratio 2.81, net present value $23.06 million at 7%) measures value to the regional economy, not the cash effect on the Shire, and largely excludes operating costs.

Opportunity cost

The submissions and both surveys identify competing priorities that are not assessed in the Business Plan: the Hyden sporting precinct and recreation centre, playgrounds, housing and land release, footpaths, and services in Kondinin and Karlgarin. The $1.4 million contribution and any continuing subsidy would reduce the capacity available for those priorities. Council can weigh them through the Long-Term Financial Plan and Asset Management Plan reviews.

Cost of options

Options 1 and 2 commit Council to the transaction subject to funding, with the recurrent effects above. The recommended deferral (Option 3) would incur further officer and consultant time for the peer review, the re-modelling of the Long-Term Financial Plan and the building condition assessment to be reported with the peer review. Under Option 4, or if clause 8 applies, Phase 1 expenditure is not recoverable, and the reserve would remain in place until Council decides its future, as set out below.

If the project does not proceed

Council has considered on three occasions what should happen if grant funding is not secured. On 29 October 2025, Council resolved (Resolution 4645, clause 8) that it "endorses and approves the withdrawal of Shire resources and funding if the next round of grant funding applications is not successful". The report to the meeting of 17 June 2026 recommended that the same position be restated, but that item was laid on the table. In July 2026, Council confirmed by Resolution OCM/26/001 (Special Meeting of Council, 29 July 2026) that its endorsement under clause 8, "that in the event the Shire's current application for Lotterywest grant funding is unsuccessful, the Shire will cease all further activity on the Discovery Centre project and no further Shire resources, funding or staff time will be committed to it, remains in full force and effect". Both resolutions are at Attachment 9.

Clause 8 constitutes a decision of Council, and the Chief Executive Officer is required to implement Council's decisions (section 5.41(2)(a)). If the trigger occurs, the Shire would cease work on the project: no further staff time, no further expenditure on the project from the reserve or the municipal fund, no further funding applications, and no further steps under the MOU. In practice the Shire would advise the HPA and the funding bodies, and give notice ending the MOU, which either party may end on 30 days' notice (clause 15.2). The section 3.59 process would also lapse, because the plan provides that the project cannot proceed on the advertised funding model unless both Phase 2 grants are secured (Business Plan section 9.6). Under the recommendation, if the Lotterywest application is unsuccessful, clause 8 applies and the deferred decision is not brought back; the withdrawal and the future of the reserve are reported to Council instead (item 10).

Clause 8 does not, by itself, move or release the reserve money, which stays in the reserve until Council decides otherwise (see below). It does not recover money already spent, including the $256,500 of Phase 1 costs. It does not affect the HPA's ownership of the land or its development approval, which was granted to the HPA as landowner and remains valid for four years; the HPA could pursue a project of its own, without Shire resources. And it does not bind a future Council, which may revoke or change it by following the procedure in regulation 10 of the Local Government (Administration) Regulations 1996. Any later Shire involvement in a similar project would need a fresh decision and, if it were a major land transaction, a fresh business plan under section 3.59.

The two resolutions describe the trigger differently. The 2025 resolution refers to "the next round of grant funding applications"; the July 2026 confirmation refers to "the Shire's current application for Lotterywest grant funding". The July wording is the more recent and the more specific, and on it the trigger is the Lotterywest outcome, expected in December 2026. The difference matters if the Lotterywest application succeeds and the Commonwealth application, in a round that has not yet opened, does not: on the 2025 wording, that would also trigger withdrawal. An unsuccessful Lotterywest application triggers withdrawal on either wording, and item 10 of the recommendation relies on that. If that occurs, a report on the options will be presented to Council (Background section

19); the project could not proceed on the advertised funding model in any case (Business Plan section 9.6).

The project has previously sought capital funding before without success. If the current applications are unsuccessful, this would be a further unsuccessful attempt, and Council has decided in advance that in that event the Shire would withdraw rather than pursue further rounds.

The reserve

If Council decides not to proceed (Option 4), or clause 8 applies because the Lotterywest application is unsuccessful, the reserve is not automatically reallocated or released. The funds remain in the Hyden Discovery Centre Reserve, held for its stated purpose until Council resolves otherwise, and Council does not need to decide its future at the same meeting. The reserve held $977,706 at 30 June 2026. The Phase 1 costs already paid ($256,500, including the reimbursement of the HPA's preliminary project costs) are not recoverable. Withdrawal under clause 8 means the reserve would not be drawn on for the project, but using the money for anything else needs a further decision of Council.

To use the funds for another purpose, Council would need to change the purpose of the reserve, or use its funds for another purpose, under section 6.11. That requires a decision by absolute majority and one month's local public notice of the proposed change (section 6.11(2)). The notice is not needed if the change is disclosed in that year's annual budget (section 6.11(3)(a)), which would allow a change to be made through the 2027-28 budget. Any change must also be disclosed in the annual financial report. If the new use is not in the adopted budget, the expenditure also needs prior authorisation by absolute majority under section 6.8(1)(b). The reserve has been built from the Shire's own budget transfers.

The options open to Council would include keeping the money in reserve against a future proposal for Hyden; redirecting it to other Shire priorities, such as those raised in submissions and in the community surveys (recreation and sporting facilities, housing and land, playgrounds and town amenity); or returning it to the municipal fund.

A grant of the reserve money to the HPA or another body, to build a similar facility itself, is not prohibited by the Act. The general function of a local government under section 3.1 is interpreted liberally and is the basis on which local governments make community grants. It would, however, face significant obstacles. It would need the section 6.8 and section 6.11 steps above. If Council declined this transaction and then funded another body to deliver substantially the same facility, that could be perceived as pursuing the transaction by another route without the scrutiny section 3.59 requires, and legal advice would be needed before any such proposal was considered. If the facility were to become a Shire asset or deliver Shire services, a grant could amount to a procurement of works, engaging the tender requirements under section 3.57. Members who are members or office bearers of the recipient body would need to consider their obligations to disclose interests; and any grant would need to be considered together with the $250,000 already reimbursed to the HPA under the 2025 MOU.

The recommendation (item 10) and the Option 4 motion therefore each ask for a separate report on the future of the reserve, so that Council can decide its use with that information and with the public notice the Act requires.

RISK

Ref.	Risk	Rating	Treatment available to Council
R1	Capital cost exceeds the budget: escalation beyond the $395,000 allowance (WA costs rising faster than other states; QS suggests a further 10%), unfunded exclusions and development approval costs fall to the Shire	High	Cap the Shire contribution (Option 2(b)); cost DA conditions and exclusions before contract; return to Council if exceeded
R2	Recurrent deficit larger than modelled and continuing for the life of the building	High	Revised model showing gross cost (insurance quotation, QS-benchmark maintenance and renewal), tenant recovery and net cost, with staffing for the proposed opening pattern; subsidy limit, performance measures and review trigger (Option 2(c), (d))
R3	Visitor numbers, capture rate and admission income fall short; ramp-up slower than modelled	High	Visitor base untested; Scenario A as the planning case; door counter from opening and 6- and 12-month reviews; combined ticket with the Wave Rock parking fee
R4	Grant funding not secured, or secured only in later rounds after the February 2027 hold point; repayment if funded scope not delivered	High	No binding steps until both grants confirmed; confirm Round 3 rules and repayment conditions
R5	HPA unable or unwilling to meet capital or Executive Officer contributions under a non-binding MOU	Moderate	Binding agreement before construction contract (Option 2(f))
R6	State funding for the Hyden CRC ends or changes, leaving the community wing vacant and removing offsets	Moderate	Settle occupancy heads of agreement, including outgoings and the position if State funding ends (Option 2(g))
R7	Café and retail spaces not let, let late or below assumed rent; tenant-funded kitchen fitout deters interest	Moderate	Expressions of interest before IFC documents; model a vacancy period
R8	Café, retail, function rooms and paid attraction draw trade from existing businesses	High	Reconsider café scope (advice on s.3.59(6)); allow for redirected spending
R9	Katter Kich Gallery and Tours cannot trade during construction and has no lease for the new building	High	Transition arrangements and lease terms reported before construction
R10	Shire cannot recruit and keep staff or volunteers for seven-day opening in a tight labour market	High	Settle establishment and penalty rates; casual pool; recruit during construction
R11	Project exceeds the Shire's delivery capacity alongside concurrent capital works	High	Contracted project management funded within the grant; governance arrangements
R12	Long-term sustainability weakened: reserves drawn, mining rate concentration, population decline, LTFP not re-modelled	High	Re-model LTFP with sensitivities before deciding (recommendation item 9(c)) or before contract (Option 2(e))

Ref.	Risk	Rating	Treatment available to Council
R13	Community division and loss of confidence; benefits seen as concentrated in Hyden	High	Transparent response to submissions; state that administration relocation is not part of the transaction
R14	Errors and gaps in the advertised plan affect the reliability of the process	Moderate	Correct and report, including the operating cost correction against the advertised figures (Background section 16); legal advice on whether corrections are significant or require re-advertising
R15	Opportunity cost: other priorities deferred	High	Compare through LTFP and AMP reviews
R16	Development approval conditions carry uncosted servicing and access requirements (STED septic tank, decommissioning, Lot 2122 easement, traffic, parking and acoustic studies, accessible entry), indicatively $55,000 to $300,000	Moderate	Cost and resolve before contract (Option 2(i)); negotiate easement early
R17	Site area recorded differently in the DA (3,938m^2) and the Business Plan (2,954m^2)	Moderate	Survey and title support 2,954m^2; correct the DA record and confirm against the DP421688 sketch before transfer
R18	Decision made on incomplete information, or later corrections alter the proposal so it is significantly different, exposing the decision to challenge	High	Defer and obtain information (Option 3) or impose conditions precedent (Option 2); legal advice before relying on the advertised plan, including whether the corrected figures require re-advertising (s.3.59(4))
R19	The childcare benefit relied on by supporters is not deliverable or not funded (conversion indicatively $270,000 to $690,000, unfunded)	High	Condition and compliance assessment and costing before deciding the building's future (Option 2(h))
R20	Timing: a Lotterywest offer arrives before Council has decided, or a deferral extends past the funding window	Moderate	Advise Lotterywest of the decision timetable; no offer accepted and no funding agreement before a s.3.59(5) decision; outer date for the deferred decision (recommendation items 8 and 12)

Comparable projects - Lesson Learned

A cursory examination how other local governments have managed similar projects is a practical way to test this proposal. Business plans and financial models rest on assumptions about construction costs, visitor numbers, tenants, partner funding and grants. Comparable projects show what happened when those assumptions were tested in practice. They identify risks that may not be obvious from this proposal alone and assist to judge whether the safeguards proposed here are enough.

The projects below are not identical to the Discovery Centre. They differ in scale, location, funding and ownership, and their circumstances should not be read as predictions for this project. They do share features with it, through:

- a Shire-owned community or visitor facility;
- substantial grant funding;
- a small ratepayer base; and

- ongoing operating costs met largely from rates.

The lessons from these projects fall into four areas:

- **Ongoing cost:** the recurrent cost to ratepayers, rather than the capital cost, is what lasts.
- **Funding risk:** grant and partner funding can fall short or change.
- **Scope:** changing the scope of a project once funding is committed can require the grant body's agreement and a fresh approval process.
- **Contingency:** contingency needs to cover both construction and the years of operation that follow.

Applying those lessons now, before any commitment is made, allows Council to set its risk settings with that experience in view, including, but not limited to: the contingency; the limit on the Shire's capital contribution; the annual operating subsidy limit; the withdrawal trigger; and the points at which the project returns to Council.

Ningaloo Centre, Shire of Exmouth (2017).

This $32 million centre brought the visitor centre, Shire offices and research facilities into one building. An audit of the Shire's finances to 30 June 2017 said the centre would create a significant operating and maintenance requirement for a sustained period. A separate review of tourism spending (Kirkgate Consulting, endorsed in October 2017) found that the Shire's support for its visitor centre was about $300,000 a year: a $217,000 cash subsidy plus premises at no cost. That equated to $120 per resident, against a Western Australian local government average of $22. The review attributed this largely to a small population base of about 2,500. It compared the Shire of Denmark, which subsidised its independent visitor centre by $90,000 a year. The lesson for this decision is that the recurrent cost per ratepayer is what persists in a small Shire.

Muchea Multi-Purpose Community Centre, Shire of Chittering (2021).

The Shire advertised a section 3.59 business plan for a $2.7 million centre funded by:

- a $1.88 million Shire loan;
- a $300,000 grant; and
- about $548,000 from the hall user group.

The plan showed an operating shortfall rising from $92,556 to $256,401 a year over six years. That excluded loan repayments of about $108,000 a year, and the shortfall was to be met from rates. The plan had no risk assessment and no approach to grant failure. The lesson is that a business plan should set out the ongoing cost to ratepayers, the risks, and what happens if funding is not secured.

Chittering Community Complex, Lower Chittering (2020).

The project was funded through the Commonwealth's Building Better Regions Fund. In March 2020, Council resolved to proceed with a reduced scope:

- the indoor sports centre was removed; and
- the playing field would proceed only if fully funded from external sources.

The change required the grant body to approve a variation before the project could proceed. The lesson is that reducing scope is a real option, as seven submissions on this proposal sought. It may, however, depend on the grant body's agreement, and it may make the proposal significantly different under section 3.59(6).

Murray House Community Resource Centre, Pinjarra, Shire of Murray (2026).

The centre faced closure after losing its funding. In May 2026 the State Government provided interim funding to keep it open. This shows that the State funding for community resource centres, on which the Hyden CRC's role as anchor tenant depends, can change (risk R6).

Taken together, these examples support the approach recommended in this report. Before committing, the recurrent cost per ratepayer should be tested. A subsidy limit and a withdrawal trigger should be set. Any reduction in scope should be treated as a matter that may need the grant body's agreement and a further business plan.

POLICY

Purchasing Policy

Community Leasing Policy

Disability Access and Inclusion Plan 2023-2028

STATUTORY

Local Government Act 1995 - Sets the framework for this decision. Section 3.59 requires a business plan, Statewide public notice and a submission period of at least six weeks before a major land transaction is entered into. Council must consider the submissions and may decide, by absolute majority, to proceed as proposed or in a form that is not significantly different; a significantly different proposal requires a fresh business plan. The Act also governs tendering (section 3.57), leases and other disposals of property (section 3.58), the Chief Executive Officer's role in implementing Council decisions (section 5.41), disclosure of financial and proximity interests (Part 5, Division 6), who presides at council meetings (sections 5.6 and 5.34), quorum and voting (sections 5.19 and 5.21), closing a meeting to the public (section 5.23), planning for the future of the district (section 5.56), and budgets, expenditure and reserves (sections 6.2, 6.8 and 6.11),

Local Government (Functions and General) Regulations 1996 - Set the value at which a land transaction becomes a major land transaction (regulation 8A), the transactions that are exempt (regulation 8), the additional information a business plan must contain, including where the transaction is entered into jointly with another person (regulation 10), the tendering requirements for the construction contract (Part 4), and the dispositions of property that are exempt from section 3.58 (regulation 30).

Local Government (Administration) Regulations 1996 - Set the support and majority required for Council to revoke or change one of its earlier decisions (regulation 10).

Local Government (Model Code of Conduct) Regulations 2021 - Set the standards of conduct for council members, including the requirement to disclose an interest that could reasonably be perceived to affect impartiality, such as membership of an association (Schedule 1, clause 22). Disclosure does not, of itself, prevent the member from participating and voting (Background section 15).

Planning and Development Act 2005 - Provides for development approval under the Shire of Kondinin Local Planning Scheme No. 1 and the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. Development approval for the Centre is a separate decision from this one (recommendation item 5).

Building Act 2011 - Requires a building permit before construction and an occupancy permit before use, including for any change in the classification of the existing CRC building.

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 - Require approval of the wastewater apparatus for the new building and govern the decommissioning of the existing on-site system.

Education and Care Services National Law (WA) - In force in Western Australia from 1 May 2026, with its regulations. Requires provider and service approvals and sets premises standards for any education and care service, including childcare in the existing CRC building.

Associations Incorporation Act 2015 - Governs the HPA as an incorporated association, including its financial reporting, which is relevant to evidence of its capacity to meet its contributions.

STRATEGIC

Theme

2. ECONOMY

4. CIVIC LEADERSHIP

Goal

2.3 Coordinated planning and promotion of the visitor and tourist experience

4.2 We are a compliant and resourced Local Government

Strategy

2.3.3 Complete the Hyden Visitor Centre with additional funding

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

COMMENT

The Discovery Centre has a clear strategic rationale and a lengthy history, and most of its capital cost would come from outside the Shire. The submission process has identified matters relevant to Council's assessment under section 3.59, including the expected financial effect, the effect on other providers and the Shire's capacity to manage the transaction. The evidence shows a community divided on the proposal, a recurrent cost that, on a gross basis, is higher than advertised, capital costs that may exceed the allowance, and assumptions about the CRC, childcare and servicing that are not yet confirmed.

The error in the advertised operating figures should be dealt with openly. Whether it can be corrected through this report, or requires the corrected plan to be advertised again, is a question for legal advice that has not yet been received.

On the information currently available, officers do not recommend that Council commit to proceeding: the expected financial effect and several arrangements material to delivery remain insufficiently settled. Nor has the case against the project been tested on settled figures or with the funding outcome known. The recommendation is therefore to defer the decision to a fixed date, with Council's earlier withdrawal resolutions applying if the Lotterywest application fails. Costs already incurred are disbursed costs regardless of Council's decision and should not influence the decision either for or against the proposal.

CONSULTATION

- Statewide public notice and a six-week submission period under section 3.59(4), closing 26 October 2026 (27 submissions)
- Discovery Centre community survey, September to 26 October 2026 (33 responses)
- Community meetings in Kondinin (21 October 2026, 28 attended) and Hyden (22 October 2026, 25 attended)
- Development application advertising, 6 July to 17 August 2026 (5 public and 7 agency submissions)
- 2025-26 Community Survey (109 responses)
- Hyden Progress Association; Ms Juliet Grist, Principal Project Consultant; McLeods Barristers and Solicitors

REFERENCES

Sources relied on in preparing this report, its attachments and the related legal advice request. Legislation was checked against the current compilations on the WA legislation register (legislation.wa.gov.au) on 1 November 2026.

Legislation

- **Local Government Act 1995** (compilation 07-at0-01, in force from 26 June 2026): ss. 1.8, 1.9, 3.1, 3.57, 3.58, 3.59, 5.19, 5.21, 5.23, 5.34, 5.41, 5.56, 5.6, 5.60A, 5.60B, 5.65, 5.67, 5.70, 5.94, 5.95, 5.96A, 6.2, 6.8, 6.11 and Part 7, Division 1A.
- **Local Government (Administration) Regulations 1996** (03-x0-00, from 1 January 2026): reg. 10.
- **Local Government (Functions and General) Regulations 1996** (03-r0-00, from 1 January 2026): regs 7, 8, 8A, 9, 10 and 30; Part 4.
- **Local Government (Financial Management) Regulations 1996**: reg. 18 (considered; not relied on).
- **Local Government (Audit) Regulations 1996**: regs 16 and 17.
- **Local Government (Model Code of Conduct) Regulations 2021** (as at 1 January 2026): Schedule 1, clause 22.
- **Planning and Development Act 2005**; Planning and Development (Local Planning Schemes) Regulations 2015 (01-a0-00), Schedule 2, clauses 64, 67, 68 and 74; Shire of Kondinin Local Planning Scheme No. 1.
- **Building Act 2011**; National Construction Code (building classification).
- **Food Act 2008**.
- **Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974**.
- **Education and Care Services National Law (WA)** and Education and Care Services National Law Regulations (WA), in force from 1 May 2026 under the Education and Care Services National Law Application Act 2026: regs 104 and 106 to 115.
- **Transfer of Land Act 1893**, s. 70A; Associations Incorporation Act 2015.

Legal advice (confidential)

- **McLeods Barristers and Solicitors**, advice of 7 July 2026 and supplementary advice of 14 July 2026 (ref. 226_57968) (Attachment 7).
- **Shire of Kondinin**, request for further advice to McLeods, 4 November 2026 (advice pending).

Council resolutions and reports

- **Ordinary Meeting of Council, 29 October 2025**, Item 9.4.2, Resolution 4645.
- **Ordinary Meeting of Council, 25 March 2026**, Resolution OCM/26/013 (2025-26 Community Survey).
- **Ordinary Meeting of Council, 17 June 2026**, report on the Hyden Progress Association Memorandum of Understanding (item laid on the table).
- **Special Meeting of Council, 29 July 2026, Item 10.1, Resolution OCM/26/001** (confirming clause 8 of Resolution 4645)
- **Ordinary Meeting of Council, 19 August 2026**, Resolution OCM/26/010 (adoption of the Business Plan for advertising).
- **Ordinary Meeting of Council, 23 September 2026**, Item 12.2.11, Resolution OCM/26/019 (development application) (Attachment 5).

- **Council report**, Hyden Discovery Centre - HPA Payment Authority.

Project documents

- **Shire of Kondinin**, Business Plan for a Major Land Transaction - Wave Rock (Katter Kich) Discovery Centre, as advertised, August 2026 (Attachment 4), with Appendices A to G.
- **Shire of Kondinin**, Statewide public notice, 12 September 2026; Community Information Sheet.
- **Shire of Kondinin**, Schedule of Submissions, v5, 11 November 2026 (Attachment 1); Submissions 1 to 27.
- **Shire of Kondinin**, Discovery Centre Community Survey - Results and Report (Attachment 3); community meeting registers and notes, Kondinin 21 October and Hyden 22 October 2026.
- **Shire of Kondinin**, Annual Community Survey 2025-26.
- **Memorandum of Understanding**, Shire of Kondinin and Hyden Progress Association, executed 11 November 2025 and re-executed in conditional form on 4 August 2026.
- **Commercial Proposal - Hyden Discovery Centre**, ten-year operating model, 13 July 2026, with Caveats and Limitations statement.
- **Shire of Kondinin**, Corrected Financial Model, v4.3, 12 November 2026, with Range Summary, Reconciliation and explanatory notes (Attached)
- **Shire of Kondinin**, Discovery Centre Operations Plan, Draft 0.1 (operating requirements review) (Attachment 6).
- **HW & Associates**, Design Development Estimate and covering letter, 31 July 2026.
- **SITE Architecture Studio**, Design Development Report, Revision B, 31 July 2026.
- **Creative Spaces**, Wave Rock Discovery Centre Interpretation Plan, CS1340, V1.0; CS1349, Rev A.
- **Econisis**, Wave Rock Discovery Centre Cost-Benefit Analysis Update, technical report, FINAL, 10 August 2026.
- **Landgate**, Certificate of Title Volume 4042 Folio 924 (Lot 800 on Deposited Plan 421688); Notification under section 70A, M577797.
- **Monaghan Surveying**, contour and feature survey, Lots 23, 24 and 2122, Hyden, drawing HYD 001.
- **Acumentis**, valuation of the land, January 2022.
- **Lotterywest**, Arts and Culture Infrastructure funding application, lodged 10 August 2026.
- **LGIS**, insurance quotation for the completed building.
- **Email from Mr Colin Muir** (vendor to the HPA), 2 November 2026, on conditions of the 2018 sale.

Shire plans and reports

- **Shire of Kondinin**, Strategic Community Plan 2022-2032; Corporate Business Plan; Long-Term Financial Plan 2024-2033; Asset Management Plans; Workforce Development Plan 2022/23-2026/27; Disability Access and Inclusion Plan 2023-2028.
- **Shire of Kondinin**, Annual Report 2024-25 and audited financial statements for the year ended 30 June 2025; Wellbeing Profile 2025; Hyden Town Revitalisation Plan 2017.

External data and research

- **Construction costs**: Cotality, Cordell Construction Cost Index, September quarter 2026; Rider Levett Bucknall, tender price forecast, December 2025

- **Population and employment**: Australian Bureau of Statistics, Census of Population and Housing 2016 and 2021 (Shire of Kondinin); ABS, estimated resident population 2011 to 2025; Jobs and Skills Australia, Internet Vacancy Index, January 2026
- **Mining and energy**: IGO Limited and Medallion Metals Limited announcements on Forrestania and the Cosmic Boy plant (2026); proponent material for the King Rocks Wind Farm and the Kondinin Wind and Solar Farm.
- **Volunteering**: ABS Census volunteering data 2016 and 2021; Bankwest Curtin Economics Centre, report on Western Australia's rural volunteer workforce; national volunteering data.
- **Community Resource Centres**: Western Australian Government, Community Resource Network funding announcement, February 2025; interim funding for Pinjarra CRC (Shire of Murray), May 2026.
- **Childcare**: Australian Government, Building Early Education Fund; Australian Children's Education and Care Quality Authority (ACECQA) guidance on the National Regulations; Government of Western Australia, media statement on the Education and Care Services National Law, 26 March 2026; The Sector, report on WA's alignment with the National Law.
- **Grant programs**: Australian Government, Growing Regions Program (Round 3 forecast); Lotterywest, Arts and Culture Infrastructure grant guidelines.
- **Shire of Exmouth, Ningaloo Centre:** Pilbara News, “$32 million Ningaloo Centre opens”, 21 September 2017; “Shire of Exmouth tourism spend under review” (Kirkgate Consulting review, endorsed October 2017); “Report spells out failings of former Exmouth leaders” (Moore Stephens review of the Shire’s finances to 30 June 2017).
- **Shire of Chittering, Business Plan for a Major Land Transaction under section 3.59** - Muchea Multi-Purpose Community Centre, v20, March 2021; Muchea Recreation Centre project page.
- **Shire of Chittering, Chittering Community Complex Update, June 2020** (Council decision of March 2020 to proceed with a reduced scope, subject to a variation of the Building Better Regions Fund grant).
- **Shire of Murray, Murray House Community Resource Centre, Pinjarra:** Government of Western Australia, media statement, “Funding ensures continuity of Pinjarra CRC services”, 11 May 2026.

12.4.10 Audit, Risk and Improvement Committee Meeting Minutes - 10 November 2026

FILE NUMBER:

DATE: 14 November 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:

1. Audit, Risk and Improvement Committee - Open Minutes - 10 November 2026 - *Under Separate Cover*
2. Audit, Ris and Improvement Committee - Confidential Minutes - 10 November 2026 - *Confidential Under Separate Cover*

RECOMMENDATION

That Council:

1. Receives the minutes of the Audit, Risk and Improvement Committee Meeting held on 10 November 2026;
2. Notes the Committee's consideration of the updated Audit, Risk and Improvement Committee Workplan and its request that an updated Workplan be presented at each ordinary Committee meeting;
3. Notes that the Committee's recommendations concerning the Attendance at Events Policy and Procurement and Purchasing Policy are presented to Council under separate reports; and
4. Notes that, in relation to the confidential Wave Rock (Katter Kich) Discovery Centre item, the Committee endorsed the officer recommendation that Council defer its decision under section 3.59(5) of the Local Government Act 1995 until the outcome of the Lotterywest application and the legal advice are known, and no later than March 2027, with the Shire to withdraw from the project if the Lotterywest application is unsuccessful, consistent with the Business Plan and Council Resolutions 4645 and OCM/26/001.

SUMMARY

The Audit, Risk and Improvement Committee met at the Hyden Community Resource Centre on 10 November 2026.

The Committee considered the progress of its Workplan, reviewed the Attendance at Events Policy and Procurement and Purchasing Policy, and considered a confidential report concerning the Wave Rock (Katter Kich) Discovery Centre section 3.59 process.

The Attendance at Events Policy and Procurement and Purchasing Policy are presented to Council under separate reports so that the associated policy, delegation and statutory matters can be considered in full.

The confidential minutes are provided to Council under confidential cover. Only the outcome of the Committee's consideration is summarised in this report.

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 Audit, Risk and Improvement Committee provides oversight and assurance in relation to audit, risk management, internal controls, legislative compliance, financial management and organisational improvement.

At its meeting on 10 November 2026, the Committee considered the following substantive matters:

1. the Audit, Risk and Improvement Committee Workplan;
2. the Attendance at Events Policy;
3. the Procurement and Purchasing Policy; and
4. the confidential Wave Rock (Katter Kich) Discovery Centre section 3.59 process.

The minutes were certified by the Presiding Member as a true and correct record of the proceedings on 12 November 2026.

Workplan

The Committee received the Workplan updated to 6 November 2026, noted the progress and outstanding actions recorded in it, and requested that an updated Workplan be presented at each ordinary Committee meeting.

The Workplan records progress in risk management, procurement governance, compliance reporting, records management, policy and procedure development and the review of the Shire's integrated planning framework.

Priority matters for continued attention include:

1. establishing a central Audit and Improvement Register;
2. finalising the Internal Audit Plan and recommencing internal self-audits;
3. completing the Strategic Risk Register and risk appetite statement;
4. completing and testing the Business Continuity Plan;
5. reviewing the Fraud and Corruption Control Plan;
6. completing the review of delegations; and
7. introducing regular compliance, risk and organisational improvement reporting.

Policy Matters

The Committee recommended that Council adopt the amended Attendance at Events Policy and the new Procurement and Purchasing Policy, together with associated delegations and implementation arrangements.

Due to the extent and significance of those matters, each policy is presented to Council under a separate report. This report does not duplicate the detailed statutory, financial, risk or policy considerations contained in those reports.

Confidential Item

The Committee considered the Wave Rock (Katter Kich) Discovery Centre section 3.59 process behind closed doors because the report concerned legal advice, or other information over which the Shire holds legal professional privilege.

The Committee noted the submissions received, the corrected operating position, the legal advice sought and the principal project risks. It endorsed the officer recommendation that Council defer its decision under section 3.59(5) of the Local Government Act 1995 until the Lotterywest application outcome and legal advice are known, and no later than March 2027.

The Committee also endorsed the proposed withdrawal from the project if the Lotterywest application is unsuccessful, consistent with the Business Plan and Council Resolutions 4645 of 29 October 2025 and OCM/26/001 of 29 July 2026.

The detailed report, discussion and resolution are contained in the confidential minutes provided under separate cover.

FINANCIAL

There are no direct financial implications arising from receiving the Committee's minutes.

RISK

Receiving the Committee's minutes supports transparent governance and ensures that matters requiring Council determination are formally brought forward.

Separately reporting the policy matters reduces the risk that material statutory, financial, delegation and implementation considerations are obscured within a general minutes report.

Maintaining the confidentiality of the Discovery Centre minutes protects information concerning legal advice and legal professional privilege.

POLICY

The Committee's recommendations concerning the Attendance at Events Policy and Procurement and Purchasing Policy are addressed under separate reports.

STATUTORY

The Committee's functions are established under the Local Government Act 1995 and the Local Government (Audit) Regulations 1996.

The confidential item was considered behind closed doors in accordance with section 5.23 of the Local Government Act 1995 because it concerned legal advice, or other information over which the Shire holds legal professional privilege.

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

4.2.2 Financial sustainability in achieving community aspirations

COMMENT

The Committee's minutes provide Council with a record of the matters considered and the resolutions made at the meeting.

The Workplan demonstrates continued progress in strengthening the Shire's audit, risk, internal control, compliance and improvement frameworks. The next phase will focus on implementing, testing and monitoring the controls and processes developed during 2026.

The two policy matters warrant separate consideration by Council and are therefore not repeated in this report. The confidential Discovery Centre resolution is summarised only to the extent necessary to inform Council of the Committee's recommendation, with the supporting information retained under confidential cover.

CONSULTATION

Audit, Risk and Improvement Committee

Administration

12.4.11 Amendment to the 2026-27 Fees and Charges

FILE NUMBER:

DATE: 15 November 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 - Fees and Charges Amended - For Publication - *Under Separate Cover*
2. 2026-2027 - Fees and Charges Worksheet - Marked Up - *Under Separate Cover*
3. 2026 - 2027 - Schedule of Amendments - 18.11.2026 - *Under Separate Cover*

RECOMMENDATION

That Council

1. Under section 6.16(3)(b) of the Local Government Act 1995, amend the 2026-27 Fees and Charges adopted on 22 July 2026 (resolution OCM/26/090) as set out in Attachment 1, and adopt the amended Fees and Charges at Attachment 2.
2. Under section 6.19 of the Local Government Act 1995, give local public notice of the amended fees and charges and that they will be imposed from 1 December 2026.
3. Authorise the Chief Executive Officer to publish the amended Fees and Charges and to correct typographical or formatting errors that do not change any fee or how it applies.

SUMMARY

This report seeks Council endorsement to amend the 2026-27 Fees and Charges by absolute majority, and to give local public notice that the amended fees apply from 1 December 2026. The amendments:

I. set a small number of fees to recover rising cleaning, utility and administration costs – hall hire for large events, the cleaning fee, shower and laundry access, Community Garden small gatherings and a new local commercial water rate;

II. set three fees at the amounts fixed by regulation and treat 96 regulatory fees as GST exempt, as the law requires;

III. correct the published schedule to match what Council adopted on 22 July 2026; and

IV. make clear how Wave Rock entry, standpipe water and skip bins work.

Every change, with its reason, is listed within the attached schedule.

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 adopted the 2026-27 Fees and Charges on 22 July 2026 (resolution OCM/26/090, absolute majority). The schedule was published on the Shire's website on 7 August 2026. The review was carried out in November 2026 against the adopted schedule, the published schedule and current legislation.

Review findings

The review found:

- fees that no longer recover the cost of cleaning, utilities and administration;
- fees fixed by other written laws that changed on 1 July 2026;
- fees shown as including GST that are GST exempt;
- places where the schedule published on 7 August 2026 differs from the schedule Council adopted; and
- wording that left customers and staff unsure which fee applied (Wave Rock entry, standpipe water).

Cost increases since the fees were set

Wages: State award rates of pay increased by 4.75% from 1 July 2026 (Western Australian Industrial Relations Commission, 2026 State Wage Case). This drives the cost of cleaning, maintenance and administration.

Electricity: Synergy's regulated small business tariff (L1) increased by 2.75% from 1 July 2026.

Water: household water charges increased by 2.75% for 2026-27 (2026-27 State Budget).

Prices generally: the Consumer Price Index rose 4.3% in the year to September 2026 (Australian Bureau of Statistics).

Fee changes (Schedule Attachment - Part A)

Hall hire – dances, cabarets, balls, sports nights, weddings and 21st birthdays: these are the heaviest uses of the halls. They mean long hours, kitchen and bar use, lighting and cooling, and the most cleaning and rubbish removal afterwards. The fees are set at the 2025-26 fee plus 20% ($132.00, $120.00, $86.40 and $62.40) so these hires carry more of the cleaning, power and administration cost they create. The lines are kept so these events can still be booked.

Cleaning fee – $70.00 to $130.00 per hour: charged only when a hirer leaves a building unclean. The fee covers a contract cleaner's time at current award rates with on-costs, call-out, consumables, supervision and invoicing. The fee should recover the full cost so that the Shire does not carry the cost of a hirer's failure to clean.

Shower and laundry access code: free in a genuine emergency for Shire ratepayers and residents (was $50.00). Everyone else not staying at the caravan park pays $20.00 per visit, which recovers hot water, power, water, cleaning and code administration. Coin-operated machine charges still apply.

Community Garden – small gathering, $10.00: a low fee for Shire residents that covers toilet cleaning, consumables and booking administration. Booking is required.

Standpipe water: the local rate ($3.30 per kL) is confirmed for ratepayers and residents for domestic, farm and community use, including stock water. A new local commercial rate of $6.65 per kL applies to ratepayers, residents and local businesses using water commercially, such as road works. It sits midway between the local and commercial rates. External contractors pay the commercial rate ($10.00 per kL). Water used in a business is a business cost, so commercial users pay more of the

cost of supply, standpipe maintenance and swipe-card administration, with local businesses paying less than outside contractors. Water used for emergency response, including firefighting, is free.

Wave Rock entry: no price change. The lines now state who pays what: a car covers up to four people, a bus or coach pays $80.00 plus per-person entry, and groups of more than 10 pay per-person entry.

Skip bins: the service is provided by the Shire's contractor. The Shire charges no fee, and inquiries go to the Shire's Environmental Health Officer.

Fees fixed by law and GST (Schedule Attachment - Parts B and C)

Three fees are set at the amounts set by regulation:

- cat breeder approval: $100.00 (was $110.00);
- Department of Health application with a local government report: $120.00 (was $93.00);
- planning item 5B: the maximum fee of $295.00 (new).

96 regulatory fees are GST exempt under Division 81 of the A New Tax System (Goods and Services Tax) Act 1999 (Cth). Customers pay the same amount; the Shire no longer remits GST on those fees.

Corrections (Schedule Attachment - Parts D and E)

The published schedule is corrected to match what Council adopted. This includes restored large-animal impounding fees, planning fee amounts, GST calculation errors and the Seniors hall hire fee. Wording changes do not change any fee.

FINANCIAL

The changes affect a small number of user-pays services, and the revenue effect is expected to be minor. It will be reported in the annual budget review.

RISK

Risk	Level	Treatment
Fees fixed by law are charged at the wrong amount (cat breeder approval, Department of Health application)	Moderate	Adopt the amendments. Check receipts since 1 July 2026 and refund any overcharge
GST remitted on fees that are GST exempt	Moderate	Finance to review Business Activity Statements since 1 July 2026 and make any adjustments
Published schedule differs from the schedule Council adopted	Moderate	Adopt Attachment 2 as the single schedule and replace document 277 on the website
Amended fees charged before local public notice is complete	Low	Notice given immediately after the meeting; fees imposed from 1 December 2026
Community concern about higher hall hire and cleaning fees	Low	Reasons published with the notice. The cleaning fee applies only when a hirer does not clean. Resident rates and concessions are kept

POLICY

The Shire's Policy Manual does not contain a fees and charges pricing policy. Fees are set using the matters in section 6.17 of the Local Government Act 1995. The amendments are consistent with Policy FACS-001 Caravan Parks and Overflow Camping, Policy NRM-001 Wave Rock Precinct and Policy EHO-001 Kondinin and Hyden Waste Transfer Station.

A Fees and Charges Policy setting out cost recovery, resident concessions and GST treatment is proposed for Council's consideration with the 2027-28 budget.

STATUTORY

Local Government Act 1995 section 6.16(1) and (2) – a local government may impose and recover a fee or charge for goods or services it provides, including the use of its property and facilities, information from its records and the processing of applications.

Local Government Act 1995 section 6.16(3) – fees and charges are imposed when the annual budget is adopted and may be imposed or amended during the financial year. Absolute majority required.

Local Government Act 1995 section 6.17(1) – in setting a fee, the local government must consider the cost of providing the service, its importance to the community, and the price an alternative provider could charge.

Local Government Act 1995 section 6.18 – a local government cannot set a fee inconsistent with, or higher than, a fee fixed under another written law.

Local Government Act 1995 section 6.19 – before introducing fees after the budget is adopted, the local government must give local public notice of its intention and the date the fees will be imposed.

Local Government Act 1995 section 1.7 and Local Government (Administration) Regulations 1996 regulation 3A – local public notice is published on the Shire's website (at least 7 days where no period is set) and given in at least three prescribed ways.

Cat Regulations 2012 Schedule 3 item 4 – cat breeding approval, $100.00.

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 Schedule 1 item 2(a) – $120.00 from 1 July 2026 (Health Regulations Amendment (Fees and Charges) Regulations 2026).

Planning and Development Regulations 2009 regulation 47 and Schedule 2 – maximum planning fees, including item 5B ($295.00) and the penalty items.

A New Tax System (Goods and Services Tax) Act 1999 (Cth) Division 81 and A New Tax System (Goods and Services Tax) Regulations 2019 regulations 81-10.01 and 81-15.01 – GST treatment of regulatory fees.

Local Government (Financial Management) Regulations 1996 regulation 33A – annual budget review.

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 amendments correct the schedule, bring statutory fees and GST into line with the law, and set a small number of fees so that the users of those services pay a fair share of the cleaning, utility and administration costs they create. The changes are set out in full in the attached schedule.

CONSULTATION

Administration Staff

Wave Rock Staff

13 BUSINESS OF AN URGENT NATURE

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.1 Notice of Motion - Wave Rock National Park Investigation

ATTACHMENTS: Nil

MOTION

That Council:

1. Requests the Chief Executive Officer to seek preliminary and non-binding advice from the Department of Biodiversity, Conservation and Attractions, in consultation where necessary with the Department of Planning, Lands and Heritage, on whether the State would consider:
    a. changing the purpose, classification, management and vesting of Reserve 2883, associated with Hyden Rock / Wave Rock, so that the relevant land becomes a national park under the *Land Administration Act 1997* and the *Conservation and Land Management Act 1984*; or
    b. an alternative conservation and management arrangement under the Conservation and Land Management Act 1984, including joint vesting under section 8AA, a management agreement under section 8A, or any other arrangement that the State advises may be available having regard to the reserve's current tenure and management order.
2. Requests the Chief Executive Officer to present an interim report to Council by March 2027 setting out:
    a. the current purpose, classification, management order, cadastral extent and registered interests affecting Reserve 2883;
    b. the available statutory and administrative pathways, and the Ministers, agencies and other decision-makers involved;
    c. the financial implications for the Shire, including Wave Rock parking revenue, operating and maintenance costs, insurance, risk, asset renewal, existing commitments, Shire-funded improvements, and any investigation, transition and implementation costs;
    d. the implications for existing leases, licences, contracts and other arrangements within and adjoining the reserve;
    e. the implications for the proposed Wave Rock (Katter Kich) Discovery Centre, including its business plan, funding applications, and land and operating assumptions;
    f. the parties whose agreement, consent, advice or consultation may be required, including the Ballardong Aboriginal Corporation and any other body identified under the South West Native Title Settlement or the Aboriginal cultural heritage framework; and
    g. the options available to Council, including retaining the current reserve purpose and management arrangement.
3. Notes that this resolution is for investigation only and does not:
    a. indicate a decision by Council to relinquish, or seek alteration of, the management order for Reserve 2883;
    b. authorise any change to the reserve's purpose, classification, vesting or management; or

c. amend or revoke any Council decision concerning the Wave Rock (Katter Kich) Discovery Centre, any associated funding application, the Wave Rock parking local law or the existing Wave Rock wastewater treatment and disposal facilities.

I, Councillor Bruce Browning give notice that at the next Ordinary Meeting of Council be held on 18 November 2026, I intend to move the above motion.

VOTING REQUIREMENT

Simple Majority

BACKGROUND

Council has not formally tested whether Wave Rock could be better protected, funded and managed as a national park or under another conservation and management arrangement. Council cannot properly assess those options without information from the State and confirmation of the available statutory pathways.

Wave Rock is a prominent landform of considerable tourism, environmental and cultural significance, and Katter Kich is culturally significant to Noongar people. The Shire and its ratepayers currently carry substantial responsibility for the site's management, visitor infrastructure, maintenance, risk and long-term asset renewal.

The motion seeks information on two broad options: reservation and management as a national park, and an alternative conservation and management arrangement under which the Shire may retain a role. It is for investigation only and commits Council to no change.

The motion does not itself amend or revoke any decision concerning the Wave Rock (Katter Kich) Discovery Centre, the Lotterywest application or the Wave Rock parking local law. Any implications identified through the investigation would be reported separately to Council before further action is taken.

I commend this Notice of Motion to Council.

OFFICER COMMENT

The motion seeks preliminary information only and does not commit Council to changing the purpose, tenure or management of Reserve 2883.

Reserve 2883 is currently managed within an established framework that supports the operation of Wave Rock as a major visitor destination. Any proposal to create a national park or introduce an alternative conservation and management arrangement would involve decisions by the State and potentially changes to the reserve's purpose, classification, vesting and management order.

The *Land Administration Act 1997* and the *Conservation and Land Management Act 1984* provide several possible pathways. These include reservation as a national park, potential joint vesting under section 8AA of the *Conservation and Land Management Act 1984*, or a management agreement under section 8A. The availability and suitability of any pathway will depend on the reserve's current tenure, management order, cadastral extent, registered interests and existing uses.

A section 8AA arrangement would be relevant only if the land were, or were proposed to become, a national park, conservation park or nature reserve. It would also require the consent of the relevant Aboriginal body corporate. A section 8A agreement may provide a more flexible option under which the DBCA Chief Executive Officer manages eligible land, either alone or jointly with other parties, without necessarily requiring the land to become a national park.

The investigation would need to address more than the statutory process. Wave Rock currently generates parking revenue and involves significant Shire responsibilities for visitor facilities,

maintenance, insurance, risk management and asset renewal. Council would need to understand how any alternative arrangement would affect those responsibilities and whether the State would assume, share or fund any of them.

The investigation would also need to consider existing leases, licences, commercial arrangements and infrastructure within and adjoining the reserve. This includes the proposed Wave Rock (Katter Kich) Discovery Centre, its Business Plan and funding applications, and the existing Wave Rock wastewater treatment and disposal facilities.

Consultation with the Ballardong Aboriginal Corporation would be an important part of any investigation because of the cultural significance of Katter Kich and the potential relevance of the South West Native Title Settlement and Aboriginal cultural heritage framework. The State may identify additional parties whose consent, advice or involvement is required.

The March 2027 reporting date should be treated as a target for an initial report. The completeness of that report will depend on the time required for DBCA, DPLH and other parties to provide advice. If definitive advice is not available by that time, officers would report the information received, identify outstanding matters and recommend the next steps.

The motion expressly preserves the current arrangements as an option and does not alter any existing Council decision concerning the Discovery Centre, associated funding applications, parking arrangements or wastewater infrastructure.

From an officer perspective, there is merit in obtaining preliminary State advice so Council can understand whether a national park or alternative conservation-management arrangement is legally and practically available before deciding whether further investigation is warranted.

The motion refers to two Western Australian Acts:

Land Administration Act 1997

Governs Crown land and reserves. It provides the legal process for changing a reserve's purpose, classification, management order or vesting. Any proposal to make Reserve 2883 a national park would require action by the State under this Act, including involvement by the Minister for Lands. Council cannot make those changes itself.

Conservation and Land Management Act 1984

Governs national parks, conservation reserves and other conservation land, together with the bodies responsible for their management.

The motion identifies two specific provisions of the *Conservation and Land Management Act 1984*:

Section 8AA, joint vesting

Allows land that is, or is proposed to become, a national park, conservation park or nature reserve to be vested jointly in the Conservation and Parks Commission and an Aboriginal body corporate. The Aboriginal body corporate must consent. This is a statutory vesting and management arrangement, not ordinary joint ownership.

Section 8A, management agreement:

Allows the Department of Biodiversity, Conservation and Attractions CEO to enter into an agreement to manage eligible private or Crown land. Management may be undertaken by the CEO alone or jointly with the Shire or other parties. This may provide a way for DBCA to become involved without the land first becoming a national park or the Shire necessarily surrendering its management role.

The legislation provides possible pathways for:

1. changing the reserve's Crown land status so that the relevant land becomes a national park;
2. joint vesting with an appropriate Aboriginal body corporate;
3. a management agreement involving DBCA, the Shire and potentially other parties; or

4. another arrangement identified by the State after considering the reserve's current tenure and management order.

The motion does not initiate any of these statutory processes. It only asks the State to advise which options are legally available and what would be required to pursue them.

15 MATTERS FOR WHICH MEETING MAY BE CLOSED CONFIDENTIAL ITEMS

RECOMMENDATION

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 Request for Tender 03/2026-2027 - Construction of Shared Pathway on Gordon and Graham Street, Kondinin and Construction of Shared Pathway through Reserve 23128 and Radbourne Drive, Hyden

This matter is considered to be confidential under Section 5.23 - (4)(c) 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 information contained in a tender received by the local government for a contract to the extent that:

(i) the information is a tendered price; or

(ii) a tendered methodology for calculating a price..

15.2 Request for Quotation 01- 2026/2027 - Termite Damage Remediation Works at No. 37 (Lot 143) Radbourne Drive, Hyden

This matter is considered to be confidential under Section 5.23 - (4)(c) 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 information contained in a tender received by the local government for a contract to the extent that:

(i) the information is a tendered price; or

(ii) a tendered methodology for calculating a price..

15.3 Request for Quotation 02 - 2026/2027 - Hyden Diving Board Upgrade

This matter is considered to be confidential under Section 5.23 - (4)(c) 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 information contained in a tender received by the local government for a contract to the extent that:

(i) the information is a tendered price; or

(ii) a tendered methodology for calculating a price.

Chief Executive Officer Performance Review 2025-2026

This matter is considered to be confidential under Section 5.23 – (2)(b) 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 a matter relating ot the recruitment or employment of the CEO or a senior employee, including the following:

(i) the termination of employment;
(ii) a review of performance under section 5.38..

16 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

17 CLOSE OF MEETING

17.1 DATE OF NEXT MEETING

17.2 CLOSURE