SHIRE OF KONDININ

MINUTES OF MEETING

Kondinin Shire Council

ALL OPEN AND CONFIDENTIAL ITEMS

Ordinary Council Meeting

Held at the Karlgarin Country Club on 19 August 2026

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Order of Business

1 OPENING OF MEETING

The meeting was opened by the Shire President at 3:40pm

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND DIGNITARIES

The Shire President acknowledged the traditional owners upon which we meet and paid respect to elders past, present and emerging.

3 RECORDING OFATTENDANCE

3.1 ATTENDANCE

Shire President K Mouritz (Presiding Member), Deputy Shire President B Gangell (Deputy Presiding Member), Cr M James, Cr D Pool, Chief Executive Officer B Wright, Manager Planning & Assets Mrs T Young, Coordinator of Corporate Services Ms B Billingham, Cr T Smeed, Cr P Green, Mr B Edwards, Ms K Collard

3.2 ATTENDANCE BY TELEPHONE OR INSTANTANEOUS COMMUNICATION

Cr B Browning

3.3 APOLOGIES

Manager of Corporate Services Vince Bugna

3.4 APPROVED LEAVE OF ABSENCE

Cr Bruce Browning

3.5 DECLARATIONS OF DISCLOSURES OF INTEREST

Nil

4 APPLICATION FOR LEAVE OF ABSENCE

Nil

5 RESPONSE TO PREVIOUS QUESTIONS

5.1 QUESTIONS FROM ELECTED MEMBERS TAKEN ON NOTICE

Nil

5.2 QUESTIONS TAKEN ON NOTICE FROM PUBLIC

Nil

6 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

Nil

6.2 PUBLIC STATEMENT TIME

Nil

6.3 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

7 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

8 ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

The Shire President, Cr Kent Mouritz, retrospectively declared an interest affecting impartiality in relation to resolution OCM/26/093, "Motion by the Ocean", considered at the Ordinary Meeting of Council held on 22 July 2026. The interest arises from a family member being connected with the Motion by the Ocean charity. Cr Mouritz stated that the interest was not a financial interest or proximity interest, that he had considered the matter on its merits, and that the declaration was made in the interests of transparency.

Motion

Resolution OCM/26/002

Moved: Cr Beverley Gangell

Seconded: Cr Murray James

That Council:

1. Notes the retrospective disclosure by the Shire President, Cr Kent Mouritz, of an interest affecting impartiality in relation to resolution OCM/26/093, "Motion by the Ocean", considered at the Ordinary Meeting of Council held on 22 July 2026.
2. Notes that the Shire President has declared the interest as an interest affecting impartiality and not as a financial interest or proximity interest.
3. Requests that the disclosure be recorded in the minutes and any applicable disclosure record in accordance with the Shire's Code of Conduct and administrative procedures.

carried 6/0

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

Against: Nil

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

This item was not acknowledged by members during the meeting.

10 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RESOLUTION OCM/26/003

Moved: Cr Beverley Gangell

Seconded: Cr Paul Green

That the minutes of the Ordinary Council Meeting of 22 July 2026 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

CARRIED 6/0

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

Against: Nil

RESOLUTION OCM/26/004

Moved: Cr Toni Smeed

Seconded: Cr Murray James

That the minutes of the Special Council Meeting of 29 July 2026 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

CARRIED 6/0

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

Against: Nil

11 REPORTS OF COMMITTEES

11.1 AUDIT & RISK

Nil

11.2 ADD THE OTHERS

Nil

12 REPORTS OF OFFICERS

12.1 CORPORATE SERVICES

12.1.1 List of Accounts - July 2026

FILE NUMBER:

DATE: 10 August 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 - July 2026 - *Under Separate Cover*

RECOMMENDATION

That Council receive the attached report – List of Accounts Due & Submitted to Council for the month of July 2026:

• Municipal Fund payment cheque numbers 19573 – 19579		=$ 31,103.59
• Municipal EFT22389 – 22499		=$1,302,052.18
• Direct Debits – Transport – Hyden Office		=$ 39,219.30
• Direct Debits – Transport – Kondinin Office		=$ 22,207.05
• Direct Debits – Credit Cards	DD23983.1	=$ 14,546.59
• Direct Debits – Other		=$ 56,835.81
• EFTPOS, AKF, Bank Fees		=$ 641.22
• Payroll EFTs		=$ 43,963.76
TOTAL		**=$ 1,610,569.50**

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

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 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 2025/26 Annual Budget.

RISK

Non-compliance

POLICY

Nil

STATUTORY

Local Government (Financial Management) Regulations 1996

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced Local Government

Strategy

4.1.5 The capability of our organisation is continually improved

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

4.2.2 Financial sustainability in achieving community aspirations

COMMENT

Nil

CONSULTATION

Nil

RESOLUTION OCM/26/005

Moved: Cr Darren Pool

Seconded: Cr Paul Green

That Council receive the attached report – List of Accounts Due & Submitted to Council for the month of July 2026:

- Municipal Fund payment cheque numbers 19573 – 19579 =$ 31,103.59

• Municipal EFT22389 – 22499		=$1,302,052.18
• Direct Debits – Transport – Hyden Office		=$ 39,219.30
• Direct Debits – Transport – Kondinin Office		=$ 22,207.05
• Direct Debits – Credit Cards	DD23983.1	=$ 14,546.59
• Direct Debits – Other		=$ 56,835.81
• EFTPOS, AKF, Bank Fees		=$ 641.22
• Payroll EFTs		=$ 43,963.76
TOTAL		**=$ 1,610,569.50**

CARRIED 6/0 BY ABSOLUTE MAJORITY

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

Against: Nil

12.1.1 Budget 2026/2027 Adoption

FILE NUMBER:

DATE: 10 August 2026

AUTHOR: Vince Bugna, Manager Corporate Services

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS: 1. Draft Budget 2026/2027 - *Under Separate Cover*

RECOMMENDATION

That Council:

ADOPT the tabled 2026/2027 budget:

PART A – MUNICIPAL FUND BUDGET FOR 2026/2027

Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in Attachment of this agenda, for the Shire of Kondinin for the 2026/2027 financial year which includes the following:

1. Statement of comprehensive Income on page 2 showing a net result for the year of ($7,075,056).
2. Statement of Cash Flows on page 3 showing an estimated cash and cash equivalents of $5,957,546.
3. Statement of Financial Activity on page 4 showing an amount required from general rates of $3,949,933.
4. Index to Notes as Forming Part of the Statutory Budget on pages 5 to 27.
5. Budget Capital Expenditure (itemized) as detailed on page 28.
6. Budget Summary and Program Schedules (detailed) on pages 29 to 49.

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

1.1 Differential General Rates

- Residential (GRV)	13.2000 cents in the dollar
- Mining (GRV)	27.2000 cents in the dollar
- Rural (UV)	0.8292 cents in the dollar
- Mining (UV)	24.8000 cents in the dollar

1.2 Minimum Rates

- Residential (GRV)	$570
- Mining (GRV)	$570

- Rural (UV) $570
- Mining (UV) $570

2. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:

- Full payment and *1st instalment due date* 7th October 2026
- 2nd quarterly instalment due date 9th December 2026
- 3rd quarterly instalment due date 10th February 2027
- 4th and final quarterly payment due date 14th April 2027
- 2nd half instalment due date 9th December 2026

3. Pursuant to section 6.46 of the *Local Government Act 1995*, council offers a discount of 3% to ratepayers who have paid their rates in full, including arrears on or before 7th October 2026 or 35 days after the date the service appearing on the rate notice, whichever is the later.

4. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the Local *Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has to pay rates through an instalment option of $10 for each instalment after the initial instalment is paid.

5. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 5% where the owner has elected to pay rates through an instalment option.

6. Pursuant to section 6.47 of the Local Government Act 1995, council grants full rating concession to the following:

Assessment Number:

7037	Kondinin Community Resource Centre	3-5 Gordon Street, Kondinin
7039	Kondinin Golf Club Inc.	Avon Location 28325, Kondinin
7042	Kondinin Arts Centre	Lot 11 Rankin Street, Kondinin
7517	Hyden Golf Club	Roe Location 2936, Hyden
7017	Kondinin Country Club	Lot 263-1 Gordon Street, Kondinin
7018	Kondinin Tennis Club	Lot 263-2 Gordon Street, Kondinin
7508	Hyden Tennis Club	Lot 151/3 Marshall Street, Hyden
7514	Hyden Community Resource Centre	Lot 151 Naughton Street, Hyden
7027	Kondinin Lions Club & Seniors Centre	Lot 22 Jones Street, Kondinin
515	Karlgarin Country Club	Lot 19, 22, 23 & 24 Karlgarin
210	Kondinin Men's Shed	Lot 277 Nicholls Street, Kondinin
7513	Regional Early Education & Development	Lot 70 McPherson Street, Hyden

PART C – OTHER STATUTORY FEES FOR 2025/2026

Pursuant to Section 67 of the *Waste Avoidance and Resource Recovery Act 2007,* Council adopts the following charges for the removal and deposit of domestic and commercial waste:

-	240ltr bin	$515 pa
-	140ltr bin	$383 pa
-	Rural Waste	$142 pa
-	Kondinin Golf Club	$219 pa
-	Hyden Golf Club	$219 pa
-	Karlgarin Bowling Club	$219 pa

PART D – MATERIAL VARIANCE REPORTING FOR 2025/2026

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2026/2027 for reporting material variances shall be 10% or $25,000 whichever is the greater.

SUMMARY

To present to Council the Shire of Kondinin's 2026/2027 Annual Budget for formal adoption.

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 draft 2026/2027 budget has been compiled based on the principles contained in the Integrated Plans and in accordance with budget update presented to Council in May and June prior Council meetings.

In accordance with the Local Government Act, 1995, Section 6.33(3) the Shire of Kondinin advertised its intention to levy a differential rate on mining tenement Unimproved Value (UV) properties which is more than double the general UV Rate that applies to farmland. Subsequently, application for Ministerial approval to impose differential rates was sought for and received on 18th August 2026.

Details

The budget has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

Contained in the 2025/26 draft budget are the following capital expenditure items:

Land and buildings	**120,054**	**Source of funding:**	
Solar Replacement (Hyden S/Pool Building)	80,000	General Fund	80,000
Kondinin sports pavilion (bal.)	40,054	General Fund	40,054
Plant and equipment	**1,810,000**		
Road Plant			
2020 Toyota Hilux (All Purpose) - KN49	45,000	Trade-in & General Fund	45,000
Maintenance Truck - KN57 replacement	200,000	Plant Replacement Reserve	200,000
2016 Water Truck – KN59	300,000	Trade-in & General Fund	235,000
		Plant Replacement Reserve	65,000
2015 Bomag – Multi Roller – KN72	230,000	General Fund	230,000
2018 Caterpillar Grader – KN81	550,000	Trade-in & General Fund	250,000
		Plant Replacement Reserve	300,000
2016 Izuzu Dual Cab – KN89	90,000	Trade-in & General Fund	90,000
2018 Toro Ride on Mower – KN215	50,000	Trade-in & General Fund	50,000
2015 Toro Master 3000 Ride on Mower KN3031	60,000	Trade-in & General Fund	60,000
Administration			
Toyota Prado (0KN)	80,000	Trade-in & General Fund	80,000
Subaru Outback (KN04)	45,000	Trade-in & General Fund	45,000
Subaru Outback (KN52)	45,000	Trade-in & General Fund	45,000
Subaru Outback - Doctor (KN54)	45,000	Trade-in & General Fund	45,000
Toyota Everest (KN0)	70,000	Trade-in & General Fund	70,000
Infrastructure - Roads	**5,490,791**		
Safer Local Roads Infrastructure Program			

SLR - Hyden Norseman Road - Bal C/F	1,732,555	SLRIP Grant	732,555
		General Fund	1,000,000
Regional Road Safety Program			
RRS – East Hyden Bin Road	1,365,944	RRSP Grant	1,365,944
Regional Road Group			
RRG – Hyden Mt Walker Road (Reseal)	213,496	Grant	142,331
		General Fund	71,165
RRG - Hyden Mt Walker Road (Widen shoulders)	478,770	Grant	319,180
		General Fund	159,590
Roads to Recovery			
Allen Rocks Road (Form and Gravel)	207,353	Grant	207,353
Karlgarin South Road (Form and Gravel)	155,150	Grant	155,150
Whyte Road (Form and Gravel)	96,495	Grant	96,495
Roe Road (Form and Gravel)	178,750	Grant	178,750
Karlgarin Lake road (Form and Gravel)	164,920	Grant	194,920
Lake O'Connor Road (Form and Gravel)	159,504	Grant	159,504
Council Roads			
Notting-Karlgarin Road (Form and Gravel)	148,000	General Fund	148,000
Bendering East Road (Form and Gravel)	98,825	General Fund	98,825
Fotheringhame Road (Form and Gravel)	87,500	General Fund	87,500
Pederah East Road (Form and Gravel)	70,000	General Fund	70,000
Reservoir Road (Form and Gravel)	92,000	General Fund	92,000
Chalk Hill West Road (Form and Gravel)	48,000	General Fund	48,000
Kerrigan Road (Form & Gravel)	100,000	General Fund	100,000
Footpaths	**342,960**		
Shared Pathway (Hyden)	172,960	Grant	86,480
		General Fund	86,480
Shared Pathway (Kondinin)	70,000	Grant	35,000
		General Fund	35,000

Footpaths (other)	100,000	General Fund	100,000
Infrastructure - Other	**479,912**		
Medical Centre Car Park (90 degree parking)	15,846	General Fund	15,846
Diving Board (Hyden Swimming Pool)	40,000	General Fund	40,000
Rubber Softball replacement (Hyden Playground)	107,900	General Fund	107,900
Climbing Roper replacement (Hyden Playground)	16,332	General Fund	16,332
Outdoor Patio (Hyden depot)	40,000	General Fund	40,000
Wave Rock Precinct Improvement	50,000	Tourism Reserve	50,000
Corten and Stainless Steel Park Signage	5,343	General Fund	5,343
Entry Signs (Kondinin) - Bal C/F	66,582	General Fund	66,582
Airstip Drainage to CBH Dam	137,909	Grant	87,909
		General Fund	50,000
BUDGET CAPITAL EXPENDITURE 2026/27	**8,243,717**	**TOTAL FUNDING**	**8,243,717**

Other Capital and Operating Contributions, transfers to(from) cash reserves not listed in funding source above are as follows:

- Community grants and other contributions = $82,322
- Transfer to Housing Reserve = $100,000
- Transfer from Plant Replacement Reserve = ($565,000)
- Transfer from SJA Capital upgrade Reserve = ($200,000)
- Transfer from Employee Leave Reserve = ($120,000).
- Transfer from Tourism Development Reserve = ($50,000)
- Transfer to Hyden Discovery Centre Reserve = $400,000
- Transfer to Tourism Dev't Reserve = $22,500 (Wave Rock Infrastructure Depreciation)
- Transfer To Office Equipment Reserve = $50,000

✓ An estimated surplus of about $4.5m is anticipated to be brought forward from 30 June 2026 comprising of Advanced Financial Assistance Grants (FAGS) allocation and balance of Regional Road Safety Program (RRSP) grant. However, this amount is unaudited and may change. Any changes will be addressed as part of the mid-year budget review.

✓ $3.9m of rates is expected to be raised to cover the budget deficiency and to bring the budget to balance.

FINANCIAL

Specific financial implications are as outlined in the detailed section of this report and as itemized in the draft 2026/2027 budget for adoption.

RISK

Non-compliance

POLICY

Shire of Kondinin Policy Manual

STATUTORY

Section 6.2 of the *Local Government Act 1995* requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Division 5 and 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* detail the form and content of the budget. The draft 2026/2027 budget as presented is considered to meet the statutory requirements.

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced Local Government

Strategy

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

4.1.5 The capability of our organisation is continually improved

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

4.2.2 Financial sustainability in achieving community aspirations

COMMENT

Nil

CONSULTATION

Extensive internal consultation has occurred between Executive Management and through discussions with elected members at budget workshops.

RECOMMENDATION

That Council:

ADOPT the tabled 2026/2027 budget:

<u>PART A – MUNICIPAL FUND BUDGET FOR 2026/2027</u>

Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in Attachment of this agenda, for the Shire of Kondinin for the 2026/2027 financial year which includes the following:

1. Statement of comprehensive Income on page 2 showing a net result for the year of ($7,075,056).
2. Statement of Cash Flows on page 3 showing an estimated cash and cash equivalents of $5,957,546.
3. Statement of Financial Activity on page 4 showing an amount required from general rates of $3,949,933.
4. Index to Notes as Forming Part of the Statutory Budget on pages 5 to 27.
5. Budget Capital Expenditure (itemized) as detailed on page 28.
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PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

1.1 Differential General Rates

- Residential (GRV)	13.2000 cents in the dollar
- Mining (GRV)	27.2000 cents in the dollar
- Rural (UV)	0.8292 cents in the dollar
- Mining (UV)	24.8000 cents in the dollar

1.2 Minimum Rates

- Residential (GRV)	$570
- Mining (GRV)	$570
- Rural (UV)	$570
- Mining (UV)	$570

2. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:

- Full payment and *1st instalment due date*	7th October 2026
- 2nd quarterly instalment due date	9th December 2026
- 3rd quarterly instalment due date	10th February 2027
- 4th and final quarterly payment due date	14th April 2027
- 2nd half instalment due date	9th December 2026

3. Pursuant to section 6.46 of the *Local Government Act 1995*, council offers a discount of 3% to ratepayers who have paid their rates in full, including arrears on or before 7th October 2026 or 35 days after the date the service appearing on the rate notice, whichever is the later.

4. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the Local *Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has to pay rates through an instalment option of $10 for each instalment after the initial instalment is paid.

5. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local

Government (Financial Management) Regulations 1996, council adopts an interest rate of 5% where the owner has elected to pay rates through an instalment option.

6. Pursuant to section 6.47 of the Local Government Act 1995, council grants full rating concession to the following:

Assessment Number:

7037	Kondinin Community Resource Centre	3-5 Gordon Street, Kondinin
7039	Kondinin Golf Club Inc.	Avon Location 28325, Kondinin
7042	Kondinin Arts Centre	Lot 11 Rankin Street, Kondinin
7517	Hyden Golf Club	Roe Location 2936, Hyden
7017	Kondinin Country Club	Lot 263-1 Gordon Street, Kondinin
7018	Kondinin Tennis Club	Lot 263-2 Gordon Street, Kondinin
7508	Hyden Tennis Club	Lot 151/3 Marshall Street, Hyden
7514	Hyden Community Resource Centre	Lot 151 Naughton Street, Hyden
7027	Kondinin Lions Club & Seniors Centre	Lot 22 Jones Street, Kondinin
515	Karlgarin Country Club	Lot 19, 22, 23 & 24 Karlgarin
210	Kondinin Men's Shed	Lot 277 Nicholls Street, Kondinin
7513	Regional Early Education & Development	Lot 70 McPherson Street, Hyden

PART C – OTHER STATUTORY FEES FOR 2025/2026

Pursuant to Section 67 of the *Waste Avoidance and Resource Recovery Act 2007,* Council adopts the following charges for the removal and deposit of domestic and commercial waste:

- 240ltr bin $515 pa
- 140ltr bin $383 pa
- Rural Waste $142 pa
- Kondinin Golf Club $219 pa
- Hyden Golf Club $219 pa
- Karlgarin Bowling Club $219 pa

PART D – MATERIAL VARIANCE REPORTING FOR 2025/2026

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2026/2027 for reporting material variances shall be 10% or $25,000 whichever is the greater.

RESOLUTION OCM/26/006

Moved: Cr Toni Smeed

Seconded: Cr Paul Green

That Council:

1. Notes that approval for the proposed differential rates has not yet been received from the Department of Local Government, Industry Regulation and Safety.
2. Defers adoption of the 2026/2027 Annual Budget to a Special Meeting of Council to be convened once the approval has been received.

CARRIED 6/0

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

Against: Nil

12.2 PLANNING & ASSETS

12.2.1 Proposal to Advertise Closure of Public Road to Incorporate into Freehold Lot 37 on DP 141008 Cook Street, Kondinin

FILE NUMBER:	E.R.5
DATE:	10 August 2026
AUTHOR:	Tory Young, Manager Planning & Assets
AUTHORISED OFFICER:	Bruce Wright, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author - Nil
	Authoriser - Nil
ATTACHMENTS:	1. Proposed Road Closure Plan - *Under Separate Cover* 2. Aerial Context Plan for Brunton Street Road Closure - *Under Separate Cover*

RECOMMENDATION

That Council:

1. DOES NOT PROCEED with the proposal to close section of local road reserve (Brunton Street) that runs along the northern boundary of Lot 37 on DP 141008 Cook Street, Kondinin to amalgamate with the adjoining land as outlined in the map attached.
2. Notes that an additional submission objecting to the proposal was received during the advertising period from the caretaker of Lot 36 on Deposited Plan 141008, Cook Street, Kondinin.
3. Requests the Chief Executive Officer to amend the table of submissions in the Agenda Report to include the additional submission referred to in item 2.

SUMMARY

The purpose of this report is to seek approval from Council to not proceed with the proposal to close the section of local road reserve that runs along the eastern boundary of Lot 37 on DP 141008 Cook Street, Kondinin to amalgamate with the adjoining land.

VOTING REQUIREMENT

Simple Majority

COUNCIL'S ROLE

Executive

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

BACKGROUND

The Shire received an email dated 20 May 2026 from the landowner of Lot 37 (No. 48) Cook Street, Kondinin seeking the Shire's consideration for the closure of the section of the local road reserve

(Landgate Land ID 3443955) Brunton Street, Kondinin to be amalgamated into the adjoining Lot 37 (No. 48) Cook Street, Kondinin.

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

Following the resolution of Council held on the 17 June 2026, the Shire's Administration commenced proceedings pursuant to Section 58 of the under section 58 of the Land Administration Act 1997 and Regulation 9 of the Land Administration Regulations 1998 advertising the proposal through correspondence with proximity landowners, relevant state agencies and general advertising through the Shire's various advertising mediums. During the advertising period one (1) submission was received from a proximity landowner and five (5) received from State Agencies. A summary of the submissions is outlined in the consultation section of this report.

On 8 August 2026, the Shire's Administration received an email from the landowner of Lot 37 (No. 48) Cook Street, Kondinin, who had initiated the request. The landowner advised that they no longer wished to proceed with the road closure process or the potential purchase of the Crown land.

FINANCIAL

Nil to the Shire.

Any financial costs associated with the proposed transfer of land from the Crown to the landowner of Lot 37 on DP 141008 were to be borne by the landowner of Lot 37 on DP 141008 Cook Street, Kondinin. Now that the landowner has withdrawn their request it is recommended that the Shire does not proceed with the proposal.

RISK

Low

POLICY

Nil

STATUTORY

Land Administration Act 1997

Land Administration Regulations 1998

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.2 We are a compliant and resourced Local Government

Strategy

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

COMMENT

It is recommended that Council support the Officer's Recommendation to not proceed close section of local road reserve (Brunton Street) that runs along the northern boundary of Lot 37 on DP 141008 Cook Street, Kondinin on the basis that the landowner no longer wishes to proceed with the proposal.

Moreover, the proposed closure would bring no real gain to the Shire either financial or otherwise to proceed with the matter.

CONSULTATION

The proposal was advertised for the minimum of 35 days through all required mediums, including; letters to surrounding landowners, the Shire's website, the Shire's Echo Newsletter and any relevant state agencies. Advertising closed on 17 August 2026.

No.	Name	Summary of Submission	Officer Comment
1	Department of Primary Industries and Regional Development	No objection to the proposal	Noted
2	Department of Lands, Planning and Heritage	No objection to the proposal	Noted
3	Main Roads WA	No objection to the proposal	Noted
4.	Department of Transport	No objection to the proposal	Noted
5.	Department of Water and Environmental Regulation	No objection to the proposal	Noted
6.	Proximity Landowner	Proposal may have access implications for landowner / caretaker of Lot 36 on DP 141008 Cook Street, Kondinin to maintain lot.	Landowner and caretaker of Lot 36 on DP 141008 Cook Street, Kondinin were contacted via letter to provide comment on the proposal; however, no feedback was received during the advertising period. If matter was to proceed recommend that feedback first received from owner / caretaker of Lot 36 on DP 141008 Cook Street, Kondinin in relation to access.

RESOLUTION OCM/26/007

Moved: Cr Beverley Gangell

Seconded: Cr Paul Green

That Council:

1. DOES NOT PROCEED with the proposal to close section of local road reserve (Brunton Street) that runs along the northern boundary of Lot 37 on DP 141008 Cook Street, Kondinin to amalgamate with the adjoining land as outlined in the map attached.
2. Notes that an additional submission objecting to the proposal was received during the advertising period from the caretaker of Lot 36 on Deposited Plan 141008, Cook Street, Kondinin.
3. Requests the Chief Executive Officer to amend the table of submissions in the Agenda Report to include the additional submission referred to in item 2.

CARRIED 6/0

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

Against: Nil

12.2.2 Consideration of Supporting Documentation Relating to Conditions of Development Approval - King Rocks Wind Farm (DAP 22/02288)

FILE NUMBER:	HRT R.8
DATE:	10 August 2026
AUTHOR:	Tory Young, Manager Planning & Assets
AUTHORISED OFFICER:	Bruce Wright, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author - Nil Authoriser - Nil
ATTACHMENTS:	1. King Rocks Wind Farm - Operational Management Plan - *Under Separate Cover* 2. King Rocks Wind Farm - Aviation Impact Assessment - *Under Separate Cover* 3. King Rocks Wind Farm - Aviation Impact Assessment (Supporting Documentation) - *Under Separate Cover* 4. King Rocks Wind Farm - Conditions of Development Approval Summary July 2026 - *Under Separate Cover*

RECOMMENDATION

1. That Council amends the resolution of Council # OCM/26/086 as shown in strike-through and underline as follows:

   (i) APROVES the ~~Construction~~ <u>Operational</u> Management Plan (OMP) dated July 2026 as attached in support of Condition 5 / Advice Note 4 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 15 November 2022 for use not listed described as 'Wind Farm' on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite and SUPPORTS any further minor amendments being made to be undertaken and approved by the Chief Executive Officer under delegation from Council, provided that the amendments do not materially alter the intent, substance and obligations or effect of the document; and

   (ii) APROVES the Aviation Impact Assessment dated July 2026 as attached in support of Condition 12 / Advice Note 13, 14 and 15 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 15 November 2022 for use not listed described as 'Wind Farm' on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite and SUPPORTS any further minor amendments being made to be undertaken and approved by the Chief Executive Officer under delegation from Council provided that the amendments do not materially alter the intent, substance and obligations or effect of the document.

SUMMARY

This report is for Council to consider the documents attached to this Agenda Report as they relate to conditions of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 12 November 2022 for a use not listed and described as a 'Wind Farm' on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite. The Reporting Officer considers the documentation addresses the relevant conditions of development approval and that Council approve accordingly.

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 conditional support for a use not listed described as a 'Wind Farm' on 2 freehold agricultural lots located approximately 35km north-east of the Hyden Town Site was granted with a series of conditions requiring local government approval to be addressed by the Applicant. Since development approval has been granted necessary documentation has been presented to Council incrementally for approval.

As outlined in the Conditions of Development Approval Summary as attached to this Agenda Report, most conditions of development approval have been now addressed. This report relates to approval of the Construction Management Plan and the Aviation Impact Assessment.

<u>OPERATIONAL MANAGEMENT PLAN</u>

Condition 5

Prior to operations commencing on-site, an Operational Management Plan shall be submitted to the Local Government for approval. Once approved the Operational Management Plan shall be implemented at all times to the satisfaction of the Local Government during the operational phase.

Advice Note 4

In relation to the Operational Management Plan, the following information shall be included:

a) Waste disposal;

b) Storm water management;

c) Fuel storage, handling and spill response;

d) Weed and pest management (biosecurity);

e) Flora and fauna protection / management;

f) Water management and water security;

g) The management of bushfire risk on the site during the operational period and responses to fire and emergency incidents;

h) The management of any reflected light on the site arising from any operations on the land;

i) Integration of the broad-hectare farming activities on-site with all proposed operations during the operational period;

j) Measures to ensure the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light.

<u>Officer Comment</u>

The Reporting Officer has reviewed the Operational Management Plan submitted by the Applicant and supports that the documentation contained herewith suitable complies with the Condition and associate Advice Note and recommends that Council approves accordingly.

<u>Aviation</u>

Condition 12

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

<u>Officer Comment:</u> Synergy have advised by way of email dated 13 July 2026 that, *as part of our ongoing actions and stakeholder engagement we confirm that we have provided revisions of the AIA to Airservices Australia and CASA and will continue to update the Airservices Australia Vertical Obstacle Database team as the turbine installations progress.*

Advice Note 13

In relation to the required updates/amendments to the Aviation Impact Assessment, this must be based on the final approved site development plan. The Local Government will consult with the Civil Aviation Safety Authority and Air Services Australia prior to approval.

<u>Officer Comment</u>: This Advice Note conflicts in part with Advice Notes 15 and 16, in that the responsibility of all notifications be undertaken by the Proponent as the owners of the Project. On this basis it is not considered appropriate that the Local Government undertake independent consultation with the Civil Aviation Safety Authority and Air Services Australia.

Advice Note 14

The Civil Aviation Safety Authority (CASA) has advised the Proponent is responsible for ensuring medium intensity lighting is installed on all wind turbines that infringe the lowest safe altitude (LSALT) as per Section 9.4 of the CASA Manual of Standards (MOS) Part 139 and recommended radar activated steady low intensity (200 cd) aviation hazard lighting be installed as a minimum and any wind monitoring masts associated with the development should be marked as per Section 8.110 of the Part 139 (Aerodrome) Manual of Standards with the inclusion of aviation hazard markers. CASA has also advised the Proponent that all necessary notifications to the relevant aviation authorities, including the Department of Defence, local and regional aircraft operators, CASA and Air Services Australia, to ensure all relevant aviation safety requirements are met.

<u>Officer Comment:</u> The Aviation Impact Assessment and supporting documentation indicates that these matters have been addressed by the Proponent.

Advice Note 15

The Civil Aviation Authority (CASA) has advised the Proponent is responsible for ensuring the coordinates and estimated survey heights of each turbine and monitoring mast must be reported to the Airservices Australia Vertical Obstacle Database (VOD) on finalisation of site plan. The coordinates and estimated survey heights of each turbine and monitoring mast must be reported to the Airservices Australia Vertical Obstacle Database (VOD) email address, once the development approval is granted to ensure that the location of the wind farm can be mapped for the information of pilots. The Proponent is advised that changes to maps can take in excess of six months, therefore two weeks prior to works commencing, Airservices should be contacted via the VOD email address so that a NOTAM (Notice to Airmen) can be published by Airservices Australia advising pilots that the construction of tall structures in the area is imminent and to allow for the Grid LSALT heights to be increased. On the completion of works, the VOD should be advised of the surveyed height and location of each turbine and wind monitoring mast so that the wind farm details can be accurately recorded in the database.

<u>Officer Comment:</u> The Aviation Impact Assessment and supporting documentation indicates that these matters have been addressed by the Proponent. Of note a key change from previous revisions of the Aviation Impact Assessment now shows that based on the latest Airservices Australia dataset (effective 09 July 2026), the highest WTG is now located just outside the protection surface for Air Route J21. The highest WTG within the protection surface is now WTG04, which remains below the LSALT protection surface, resulting in no further LSALT raise required as advised by the author of the Aviation Impact Assessment.

<u>Summary</u>

The Reporting Officer has reviewed the Aviation Impact Assessment submitted by the Applicant and supports that the documentation contained herewith suitably complies with the Condition and associated Advice Notes subject to minor administrative matters being addressed. Supporting information with respect to further stakeholder consultation and consideration to residual risks has been provided by the Applicant and attached to the Agenda Report in support of the documentation.

FINANCIAL

Nil

RISK

Low

POLICY

Nil

STATUTORY

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) 2015

Shire of Kondinin Local Planning Scheme No.1

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.2 We are a compliant and resourced Local Government

Strategy

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

COMMENT

CONSULTATION

Consultation was undertaken in accordance with the Planning and Development Act 2025 and the Planning and Development (Local Planning Schemes) Regulations 2015 as part of the development application process.

On going consultation has also been undertaken between the Shire's Administration and the Applicant during the project.

RESOLUTION OCM/26/008

Moved: Cr Toni Smeed

Seconded: Cr Murray James

1. That Council amends the resolution of Council # OCM/26/086 as shown in strike-through and underline as follows:

   (i) APROVES the ~~Construction~~ Operational Management Plan (OMP) dated July 2026 as attached in support of Condition 5 / Advice Note 4 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 15 November 2022 for use not listed described as ‘Wind Farm’ on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite and SUPPORTS any further minor amendments being made to be undertaken and approved by the Chief Executive Officer under delegation from Council, provided that the amendments do not materially alter the intent, substance and obligations or effect of the document; and

   (ii) APROVES the Aviation Impact Assessment dated July 2026 as attached in support of Condition 12 / Advice Note 13, 14 and 15 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on 15 November 2022 for use not listed described as ‘Wind Farm’ on two freehold agricultural lots located approximately 35km north-east of the Hyden townsite and SUPPORTS any further minor amendments being made to be undertaken and approved by the Chief Executive Officer under delegation from Council provided that the amendments do not materially alter the intent, substance and obligations or effect of the document.

CARRIED 6/0

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

Against: Nil

12.2.3 Australia Day Citizenship Awards Selection Panel

FILE NUMBER:

DATE: 10 August 2026

AUTHOR: Amanda Kemp, Community Development Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS: 1. Community Citizen Of The Year Awards Guide 26-27 - *Under Separate Cover*

RECOMMENDATION

That Council:

1. Establishes a Community Citizen of the Year Awards Selection Panel comprising:
   a) all Elected Members;
   b) the Chief Executive Officer, who will act as Chairperson of the Panel; and
   c) three community representatives, being one representative from each of the Shire of Kondinin's towns
2. Seek nominations from Councillors for suitable community representatives from their respective towns to serve on the Selection Panel.
3. Following consideration of nominations, appoint one primary and one secondary community representative from each of the following communities, with the secondary representative to act where the primary representative is unavailable or declines the appointment:

   Kondinin
   Primary:
   Secondary:

   Karlgarin
   Primary:
   Secondary:

   Hyden
   Primary:
   Secondary:

4. In considering appointments, have regard to each nominee's demonstrated connection to, and contribution within, their local community.

SUMMARY

Council is being asked to establish a Community Citizen of the Year Awards Selection Panel to assess nominations and select recipients for the Shire's annual citizenship awards program. The proposed panel would comprise all Councillors, with the Chief Executive Officer acting as Chairperson, together with one community representative from each of the Shire's three towns: Kondinin, Karlgarin and Hyden.

The awards recognise individuals, groups and events that make a positive contribution to community life across the Shire through four categories:

- Community Citizen of the Year (individuals over 16 years of age)
- Young Community Citizen of the Year (individuals aged 16 to 30 years)
- Senior Community Citizen of the Year (individuals aged 65 years and over)
- Active Citizenship Award (community groups or events)

The inclusion of community representatives on the selection panel will provide valuable local knowledge and ensure each town is represented in the assessment process.

It is also proposed that the awards presentation be held in Karlgarin in conjunction with the Australia Day Community Breakfast, with bus transport available from Kondinin and Hyden to enable residents, nominees and award recipients from across the Shire to attend and participate in the celebrations.

VOTING REQUIREMENT

Simple Majority

COUNCIL'S ROLE

Executive

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

BACKGROUND

At its Ordinary Council Meeting held on 20 May 2026, Council resolved (Resolution OCM/26/040) to participate in the Community Citizen of the Year Awards program.

To implement this resolution, Council is now requested to establish a Selection Panel comprising Councillors and community representatives from Kondinin, Karlgarin and Hyden to assess nominations and select award recipients.

FINANCIAL

Funding for the Community Citizen of the Year Awards program can be accommodated within the Shire's Community Recreation Budget.

In addition, Auspire's Community Citizen of the Year Awards grants program provides local governments with the opportunity to apply for financial assistance to support award presentations and associated community events. Should grant funding be secured, it may offset a portion of the costs associated with hosting the awards presentation and Australia Day celebrations.

RISK

The risk associated with the recommendation is considered low. Establishing a Selection Panel with representation from all three towns supports a fair, transparent and inclusive assessment process and ensures nominations are considered from across the Shire.

The appointment of both primary and secondary community representatives will assist in maintaining quorum and continuity of the panel should a representative be unavailable.

All nominations and assessments will be undertaken in accordance with the eligibility and selection criteria, and the assessment guidelines, provided by Auspire Australia Day Council WA, reducing the risk of inconsistency or perceived bias in the selection process.

POLICY

Nil

STATUTORY

Nil

STRATEGIC

Theme

1. COMMUNITY

Goal

1.1 Community members have the opportunity to be active, engaged and connected

Strategy

1.1.1 We hold well attended local events and activities

RESOLUTION OCM/26/009

Moved: Cr Darren Pool

Seconded: Cr Beverley Gangell

That Council:

1. Establishes a Community Citizen of the Year Awards Selection Panel comprising:
    a) all Elected Members;
    b) the Chief Executive Officer, who will act as Chairperson of the Panel; and
    c) three community representatives, being one representative from each of the Shire of Kondinin's towns
2. Seek nominations from Councillors for suitable community representatives from their respective towns to serve on the Selection Panel.
3. Following consideration of nominations, appoint one primary and one secondary community representative from each of the following communities, with the secondary representative to act where the primary representative is unavailable or declines the appointment:

    Kondinin

Primary: Mrs Bev Stanes
Secondary: Mr Chris Browning

Karlgarin
Primary: Mr Neil Aggiss
Secondary: Mrs Lauren James (nee Smart)

Hyden
Primary: Mr Craig Mayfield
Secondary: Mr Gerrard Lynch

4. In considering appointments, have regard to each nominee's demonstrated connection to, and contribution within, their local community.

CARRIED 6/1

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

Cr Gangell sought a provisional budget for the event be circulated to Councillors.

12.2.4 Community Development Report

FILE NUMBER:	
DATE:	12 August 2026
AUTHOR:	Amanda Kemp, Community Development Officer
AUTHORISED OFFICER:	Bruce Wright, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author - Nil
	Authoriser - Nil
ATTACHMENTS:	Nil

UPDATE

Happenings in the Last Month - The Brendan Cullen Community Wellbeing Evening was successfully held in Hyden on 3 August, attracting 35 attendees. The event featured Brendan Cullen as the keynote speaker, supported by representatives from Men's Regional Health. It provided a valuable opportunity for community members to connect, share experiences, and recognise the importance of maintaining positive mental health and wellbeing.

A grant application has been submitted to Advocare for Seniors Week funding. To meet funding eligibility requirements, the original event date was amended, and the event is now scheduled for Sunday, 8 November in Hyden. Entertainment will be provided by an Elvis tribute performer, offering an enjoyable and nostalgic experience for seniors and the wider community.

Amanda attended the ROE Tourism Meeting in Corrigin on 10 August, where arrangements were finalised for an early October visit by content creators to the Shire of Kondinin. The team will spend two days throughout the region capturing photographs and video footage of local attractions to create a shared library of promotional content. These assets will be available for use by all ROE Tourism member shires in future marketing and advertising campaigns. The Shire of Kondinin will also host the ROE Tourism Annual General Meeting in November.

The Building and Maintenance Contractors have recently replaced the old cracked and damaged Alsynite sheeting on the information huts located at the western end of Wave Rock. Amanda is currently obtaining pricing to replace the information signage within the huts, which will further improve the presentation and visitor experience at this key tourism attraction.

Upcoming Events - A Citizenship Ceremony is scheduled for Saturday, 15 August at the Hyden Memorial Garden/CWA.

Promotion of the Community Australia Day Citizenship Awards will commence shortly, encouraging nominations and community participation in recognising local contributions. Work is also underway to finalise the selection panel, with the awards to be presented on Australia Day. There is also funding available via a grants program to help fund our Australia Day Celebrations that we will be applying for.

A tree planting day with Kondinin Primary School is scheduled for Monday, 17 August to revegetate the newly completed Kondinin Bush Trail. A sincere thank you to Hannah and Tory for their hard work and commitment to the project. Thanks also to Deb and the Works Crew for installing the new trail signage and preparing the site by digging holes for the upcoming planting activities.

Stallholder applications for both the Hyden Spring Markets and Kondinin Twilight Markets are now being received. Children's entertainment options are also being investigated to encourage family participation and enhance the overall market atmosphere.

The Quairading Vintage Club's "Little Loui" truck ride has been secured as an additional attraction for both market events, providing a well-loved activity that proved extremely popular at last year's markets.

Councillors noted the report

12.3 WORKS

Nil

12.4 CHIEF EXECUTIVE OFFICER

12.4.1 Wave Rock (Katter Kich) Discovery Centre - Business Plan for a Major Land Transaction: Adoption for Advertising under Section 3.59, Local Government Act 1995

FILE NUMBER:	
DATE:	13 August 2026
AUTHOR:	Bruce Wright, Chief Executive Officer
AUTHORISED OFFICER:	Bruce Wright, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author - Nil Authoriser - Nil

ATTACHMENTS:

1. Business Case (Draft) - Wave Rock (Katter Kich) Discovery Centre - *Under Separate Cover*
2. Statewide Notice (Draft) - Wave Rock (Katter Kich) Discovery Centre S3.59 - *Under Separate Cover*
3. Financial Commentary - Business Case Notes - *Under Separate Cover*
4. McLeods Barristers and Solicitors - Advising - 7 July 2026 - *Confidential Under Separate Cover*
5. McLeods Barristers and Solicitors - Advising - 14 July 2026 - *Confidential Under Separate Cover*
6. Community Survey Instrument and Proposed Questions - *Under Separate Cover*
7. Commercial Proposal and Caveat - Wave Rock (Katter Kich) Discovery Centre - *Under Separate Cover*
8. MOU - Shire of Kondinin and Hyden Progress Association - *Under Separate Cover*
9. HW and Associates - Quantity Survey - *Under Separate Cover*
10. Econisis Technical Report - *Under Separate Cover*
11. Certificate of Title - McPherson Street Hyden - *Under Separate Cover*
12. Monaghan - Hyden Marshall McPherson Streets Survey - *Under Separate Cover*
13. Site Architecture - KKWRDC - Design Development Report - *Under Separate Cover*

RECOMMENDATION

That Council:

1. Receives the Business Plan for a Major Land Transaction - Wave Rock (Katter Kich) Discovery Centre, prepared under section 3.59 of the Local Government Act 1995, as presented at Attachment 1.

2. Notes the advice of McLeods Barristers and Solicitors dated 7 July 2026 and 14 July 2026, provided as a Confidential Attachment, relating to the business plan and public notice process.

3. Endorses the Business Plan as attached for the limited purpose of public advertising under section 3.59(4) of the Act, and records that this resolution:

    a) is not a decision to enter into the major land transaction;
    b) does not commit the Shire to the acquisition of Lot 800 on Deposited Plan 421688, to the construction of the Centre, or to any expenditure beyond the cost of the statutory process; and;
    c) does not fetter Council's discretion to decide, under section 3.59(5) and after considering all submissions, whether to proceed, to proceed in a form not significantly different from that advertised, or not to proceed.

4. Authorises the Chief Executive Officer, subject to clause 6, to:

    a) give Statewide public notice under section 3.59(4)(a) and section 1.8 of the Act;
    b) make the Business Plan available for public inspection and for copies to be obtained at the Shire Administration Offices, Kondinin, the Shire Office, Hyden, and the Kondinin and Hyden Community Resource Centres;
    c) publish the Business Plan on the Shire's official website under section 3.59(4)(c); and,
    d) fix a submission period closing no earlier than six weeks after the date on which Statewide public notice is given, with the closing date and time to be determined in accordance with the indicative timeline within the body of this report.

5. Endorses the conduct of a community survey with proposed questions attached, as a *supplementary* engagement measure during the submission period, and records that:

    a) the survey does not substitute for, replace, satisfy or limit the written submission process required by section 3.59(4)(a)(iii) and section 3.59(5) of the Act;
    b) the matters Council is required to consider under section 3.59(5) are the submissions made on the Business Plan, and survey responses will be reported to Council as *supplementary* engagement information and not as submissions unless a respondent expressly lodges a submission;
    c) the survey is not a poll, plebiscite or vote and will not be reported or represented as determinative of Council's decision; and
    d) every survey instrument, promotion and landing page is to state prominently how to make a written submission and that a submission is the only form of comment Council is required by the Act to consider.

6. Records that this approval to proceed to advertising is given on the basis of the information before Council at this meeting, and determines that:

    a) any amendments expressly required by Council at this meeting, and any minor administrative, formatting, cross-referencing, factual or clarifying amendments made by the administration, are to be completed on or before 4 September 2026;

    b) the Chief Executive Officer is authorised to make those amendments, provided they do not materially alter the proposed transaction described in the Business Plan;

c) a complete copy of the amended Business Plan, together with a schedule identifying each amendment made and each item of additional information added, is to be provided to all Council Members before Statewide public notice is given and before any advertising, publication or survey activity commences;

d) no Statewide public notice is to be given, and no advertising, publication or survey activity is to commence, until paragraph (c) has been satisfied; and

e) if any proposed amendment or additional information would materially alter the proposed transaction described in the Business Plan, including its scope, site, total value, the Shire's financial contribution, the funding model, or the tenure and occupancy arrangements, the Chief Executive Officer is to refer the Business Plan back to Council for further consideration before notice is given.

7. Notes that the proposed draft timeline within the body of this report; and that the dates in it are indicative only and subject to clause 6 and to the statutory minimum submission period.

8. Requests the Chief Executive Officer to prepare a report on all submissions received, together with a separate report on the survey results, for Council's consideration at the Ordinary Meeting of 18 November 2026 or the earliest practicable meeting thereafter, at which meeting Council will decide under section 3.59(5) whether to proceed.

9. Notes that Council will not be in a position to lawfully enter into the transaction, accept the transfer of the Land, or execute a construction contract until the section 3.59 process is complete and a decision to proceed has been made by absolute majority.

10. Records that the Business Case Version 2, May 2026 (Attachment 6) and the 10-Year Projected Income and Expenditure Statement — Caveats and Limitations, July 2026 (Attachment 7) are superseded documents provided for project history only, that they do not form part of the business plan to be advertised under section 3.59(4) of the Act, and that they are not to be relied upon as describing the current proposal.

SUMMARY

Note on the language of this report.
The Shire has made no decision to enter into the transaction described in this report, and nothing in this report or in its attachments is to be read as a commitment by the Shire or as narrowing Council's discretion. The transaction is described throughout as proposed. Where the effect of a step is described, it is described conditionally - what would occur if Council were to decide, after the statutory process, to proceed. Any statement in the attachments that reads as a commitment is to be read subject to this note, to the conditional and non-fettering terms of the Memorandum of Understanding, and to section 3.59 of the Act.

Note on the attachments.
The Business Plan, the draft Statewide public notice, the Financial Commentary and the draft community survey are presented in draft and remain subject to clause 6 of the recommendation. The remaining attachments are provided as issued or as executed.

It is proposed that the Wave Rock (Katter Kich) Discovery Centre be developed as a 928sqm civic, cultural and community facility on Lot 800 on Deposited Plan 421688, at the corner of Marshall and McPherson Streets, Hyden.

The total value of the proposed transaction, assessed on the basis required by section 3.59 of the Local Government Act 1995, is approximately $13.5 million. The Shire's proposed contribution is $1,425,000 ($25,000 in kind), which would be substantially met from an existing reserve. No borrowing is proposed and no rate increase attributable to the proposal is considered.

The proposal has changed from its earlier structure. Under the structure now proposed, the Shire would be the direct applicant for funding, acquire the land, hold the funding agreements, let the construction contract, own the completed asset and carry the operating result. On that basis, section 3.59 of the Act is engaged.

This report seeks Council's authority to advertise the proposed Business Plan so that the public submission process required by section 3.59 may commence. It does not seek approval to proceed with the project; that decision cannot be made at this meeting. Whether the Shire proceeds is a matter for Council to determine *after* the submission period has closed and after *all* submissions have been considered.

Two matters in the recommendation are noted for Council's attention:

1. the proposed community survey, which would supplement the statutory submission process but would not replace it; and
2. the proposed fourteen-day close-out period, which would guide how any amendments requested by Council at this meeting are finalised before advertising commences.

Both matters are explained further in the Background section of 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

<u>Origin and Recalibration</u>

The Discovery Centre concept dates from 2016, when the Hyden Community Resource Centre approached the Shire seeking relocation to a more central and visible site.

In 2018, the Hyden Progress Association purchased the corner block at 36 Marshall Street, now Lot 800 on Deposited Plan 421688, with the intention of developing a community building incorporating visitor centre functions. A working group comprising representatives of the Hyden Progress Association, the Shire and the Hyden Community Resource Centre developed concept plans for the site.

By 2024, construction cost escalation had taken the estimated cost beyond $17 million, and the scope of the project required significant review.

In January 2026, the Hyden Progress Association appointed SITE Architecture Studio, through a competitive request for quotation process, to develop a reduced design. Schematic design was completed in May 2026, and a Design Development Report was completed in July 2026.

<u>The earlier Business Case and why it has been superseded</u>

A Business Case, Version 2, dated May 2026, was prepared for an 849sqm facility at an indicative capital cost of $12.91 million. It was read together with a draft Memorandum of Understanding under Option A, being a Shire-owned model with the Shire as principal.

That document was prepared as a project and funding document. It was not prepared as a business plan under section 3.59 of the Act and did not record a decision of Council.

The May 2026 cost figure was based on a concept-stage quantity survey. The accompanying ten-year financial projection included a number of caveats, including that:

- no independent visitation forecast underpinned the entrance fee revenue line;
- ramp-up to stabilised visitation was not modelled;
- major maintenance and lifecycle costs were shown at nil;
- uncertainty around the ownership model left cost allocation between the Shire and the Hyden Progress Association unresolved; and
- the projections were subject to the section 3.59 question then under legal review.

The proposed Business Plan now attached, should therefore be read as the current document for the purposes of the section 3.59 process. It supersedes the earlier Business Case for statutory purposes and addresses the matters identified in the earlier caveats.

Design development is now complete and has been independently cost-planned. The operating model has been tested across five visitor capture scenarios, rather than presented as a single estimate. Major planned maintenance and asset renewal provisions are included in the model. The proposed ownership structure is Option A, and the Memorandum of Understanding has been executed on that conditional basis. An independent visitation-based economic assessment also now informs the proposal.

<u>Why section 3.59 is engaged</u>

Until early 2026, it was planned that the Hyden Progress Association would apply for funding, with the Shire auspicing the application, and that the Association would deliver and own the facility.

When the relevant Lotterywest funding round opened, its guidelines did not provide for auspiced applications. Council subsequently resolved that the Shire lodge applications as the direct applicant and prospective delivery body. That resolution allowed applications to be made. It was not a decision to enter into a land transaction, and the making of an application does not commit the Shire to accept any funding offered.

The change in structure is the reason this report is before Council.

Under the earlier structure, the Shire would have been a contributor to a project delivered by a community association. Under the structure now proposed, the Shire would acquire an interest in land and develop land, at a value above the prescribed threshold. It is also intended that other persons would have joint or exclusive use of parts of the facility. On that basis, the exemption in regulation 8(1) of the Local Government (Functions and General) Regulations 1996 is assessed as not being available.

Accordingly, the proposal is assessed as a major land transaction for the purposes of section 3.59.

The conditional Memorandum of Understanding

Advice received by the Shire identified that it was open to the Shire to proceed with the Option A Memorandum of Understanding, provided the document was amended to make clear that it was conditional upon the Shire complying with section 3.59, and that it did not fetter Council's statutory discretion.

The purpose of those amendments was to ensure the Memorandum of Understanding did not commit the Shire to the project before Council had completed the section 3.59 process and made any later decision under section 3.59(5).

The Memorandum of Understanding was re-executed on 4 August 2026 in the amended form. It records the parties' intentions and the basis on which they propose to work together. It does not oblige the Shire to acquire the land, construct the Centre or proceed with the proposal. It also does not constrain Council's discretion under section 3.59(5).

Contributions described in the Memorandum of Understanding, whether by the Shire or the Hyden Progress Association, are proposed contributions only and are expressed on that conditional basis.

References to the Memorandum of Understanding in this report and the attachments should be read accordingly.

Proposed community survey

It is proposed that a community survey be conducted alongside the statutory submission period.

The purpose of the survey is to provide an additional way for the Shire to hear from the community, including people who may not otherwise lodge a written submission. The statutory submission process can sometimes attract responses from those already closely engaged with an issue, while a survey may assist in obtaining broader feedback across the district.

The survey would not replace the submission process required by section 3.59.

Section 3.59 requires Council to consider submissions made on the proposed Business Plan. A survey response is not, of itself, a submission for that purpose. Recommendation 5 therefore proposes that the survey be treated as supplementary engagement information, that survey material clearly direct people to the written submission process, and that survey results and submissions be reported to Council separately.

This distinction is important. If the survey were promoted, completed or reported in a way that blurred the distinction between survey responses and submissions, it could create uncertainty around the statutory process.

Survey results would not bind Council. They would provide additional information for Council, alongside the submissions Council is required to consider under section 3.59(5).

Proposed fourteen-day close-out period

Council may wish to seek amendments to the proposed Business Plan at this meeting. The administration may also need to add information that is not yet settled.

Recommendation 6 allows for that to occur in a controlled way.

It provides that:

- any authority to advertise is based on the information before Council at this meeting;
- any amendments or additional information are to be completed within fourteen days;
- all Council Members are to receive the amended document and a schedule of amendments before any notice is published; and
- any change that would materially alter the proposed transaction is to be referred back to Council before advertising commences.

The document advertised to the public is the document on which submissions will be invited and later considered by Council. It is therefore important that the advertised document remains consistent with the proposal Council has authorised for advertising.

The fourteen-day close-out period provides a practical mechanism to finalise the document while preserving Council oversight of any material changes.

Current status of the proposal

At the date of this report:

- design development is complete and has been independently cost-planned by HW & Associates Quantity Surveyors as at 31 July 2026;
- the professional team has been appointed through competitive procurement for design and documentation purposes;
- a development application was lodged with the Shire on 24 June 2026, with the mandatory consultation period concluding on 13 August 2026 and determination expected shortly thereafter. Determination of the application is a separate statutory function and neither depends on, nor commits Council in relation to, the section 3.59 process;
- an Interpretive Plan for proposed exhibition content is complete, developed with Silvia and Darryl Collard as Traditional Owners of Katter Kich;
- an independent Cost Benefit Analysis and Economic Impact Assessment was issued in final form by Econisis on 10 August 2026;
- the Memorandum of Understanding has been executed in the amended, conditional and non-fettering form described; and
- an application to the Lotterywest arts and culture infrastructure program was lodged on 10 August 2026, with the outcome expected in December 2026. A Commonwealth regional development round is forecast to open in late 2026. The applications disclose that the proposal remains subject to compliance with section 3.59, and no funding has been offered, accepted or committed.

Why it is proposed that the process commence now

The section 3.59 process is expected to take a minimum of approximately three months from adoption for advertising through to a later Council decision.

Commencing the process now would allow it to conclude in November 2026, ahead of the Lotterywest funding outcome expected in December 2026 and before the February 2027 hold point contemplated in the proposal.

If the process is deferred, the Shire may reach the point of receiving a funding offer before the statutory process has been completed. In that circumstance, Council would not yet be in a position to decide whether to accept and act on that funding.

Indicative Timeline

The dates below are indicative. Dates after the section 3.59(5) decision point are contingent on a later decision of Council. They are provided to show the sequence of events, not as a commitment to proceed.

Stage	**Indicative date**
Council considers whether to adopt the proposed Business Plan for advertising	Wednesday 19 August 2026
Council-requested amendments and additional information completed	By Friday 4 September 2026

Stage	Indicative date
Amended proposed Business Plan and schedule of amendments circulated to all Council Members	By Friday 4 September 2026 and before notice is given
Notice, survey instrument and inspection copies finalised	Week commencing Monday 7 September 2026
Statewide public notice given; plan available for inspection and published on website; submission period and survey open	On or about Thursday 10 September 2026
Six-week statutory submission period runs	10 September to 22 October 2026
Submissions close	4.00pm Friday 23 October 2026
Survey closes	4.00pm Friday 23 October 2026
Submissions collated; CEO report on submissions and separate report on survey results prepared	26 October to 6 November 2026
Agenda published	Thursday 12 November 2026
Council considers submissions and determines under section 3.59(5) whether to proceed, by absolute majority	Wednesday 18 November 2026
State arts and culture infrastructure grant outcome advised, contingent on later Council decision	December 2026
Commonwealth regional development round expected to open, contingent on later Council decision	Late 2026
Funding hold point; design and construct tender issued, contingent on later Council decision	February 2027
Contract award, contingent on later Council decision	April 2027
Proposed land transfer from HPA to Shire, contingent on later Council decision	Prior to any commencement of construction
Construction commences, contingent on later Council decision	July 2027
Practical completion, contingent on later Council decision	August 2028
Handover, relocation and opening, contingent on later Council decision	September 2028 onward

The key timing assumption is that Statewide public notice is given on or about 10 September 2026. That date would allow submissions to close on 23 October 2026 and allow a report to be prepared for the Ordinary Council Meeting of 19 November 2026.

If the fourteen-day close-out period is not met, or if amendments require the matter to be referred back to Council, the decision point would likely move to a later Council meeting. That would be manageable, but it may mean the section 3.59 process concludes after, rather than before, the expected Lotterywest funding outcome.

FINANCIAL

The financial components of this project have been reported to and considered by Council at previous meetings. To avoid unnecessary duplication, the key financial documents are attached to this report for reference and consideration.

The proposed Business Plan also includes the financial information required for the section 3.59 process, including the assessed value of the proposed transaction, the proposed Shire contribution, the proposed funding model, and the expected financial effect on the Shire.

RISK

Risk	Likelihood	Consequence	Residual risk	Proposed treatment
The document advertised differs materially from that authorised by Council, exposing the process to challenge.	Medium	High	Medium	Recommendation 6 provides for a fourteen-day close-out period, circulation of the amended document to all Council Members before notice, and referral back to Council for any material alteration.
The Shire is argued to have fettered its discretion or committed itself to the proposal before resolving under section 3.59(5).	Low	High	Medium	The Memorandum of Understanding was re-executed on 4 August 2026 as expressly conditional on section 3.59 compliance and containing a non-fettering provision. Recommendation 3 records the limits of this resolution. Funding applications and correspondence disclose that the proposal remains subject to section 3.59 and that no decision has been made.
Adoption for advertising is described externally, or in later reporting, as approval of the project.	High	Medium	Medium	Recommendation 3 records that no decision to proceed is being made. The notice and Business Plan will state that no decision has been made. Conditional language is used throughout the advertised material.
A survey is treated by respondents, the community or in later reporting as satisfying or replacing the submission process.	Medium	High	Medium	Recommendation 5 separates the survey from the submission process. Every survey instrument and page will direct respondents to the submission process. Survey responses and submissions will be reported separately.
Survey results are represented as a poll, plebiscite or binding indication of Council's decision.	Medium	Medium	Low	Recommendation 5 states that the survey is not a poll, plebiscite or vote. The survey material and later report will identify the status of the data.
The submission period is	Low	High	Low	The closing date will be calculated from the date notice is given and

Risk	Likelihood	Consequence	Residual risk	Proposed treatment
miscalculated and falls short of the six-week statutory minimum.				verified before publication. A buffer is included in the indicative timeline.
The section 3.59 process is not concluded before funding outcomes are received.	Low	High	Medium	The process is proposed to conclude in November 2026, ahead of the December 2026 State outcome and the February 2027 hold point.
A revised proposal is later found to be significantly different, requiring a fresh section 3.59 process.	Low	Medium	Medium	The proposed Business Plan identifies parameters for what may or may not constitute a significant difference. Advice will be sought before any materially altered proposal is advanced.

Delivery risks, contingent on a later decision to proceed

Risk	Likelihood	Consequence	Residual risk	Proposed treatment
Proposed capital grant applications are unsuccessful.	Medium	High	High	A multi-source funding strategy is proposed. The February 2027 hold point allows the position to be reviewed. No construction contract would be let before funding is confirmed.
One Phase 2 grant is secured but the other is not.	Medium	High	High	The applications are linked. No alternative co-contribution has been identified. Council would need to reconsider the proposal and determine whether any revised proposal was significantly different.
Construction cost overrun.	Medium	High	High	The Phase 2 estimate includes a $1,249,000 contingency and $395,000 escalation allowance. The quantity surveyor is engaged throughout, and ECI benchmark pricing is proposed.
Projected recurrent deficit exceeds what the Shire is prepared to subsidise.	Medium	High	High	The deficit range is disclosed. Any subsidy level would be determined by Council at the section 3.59(5) decision. Long-Term Financial Plan and Asset Management Plan amendments are contemplated before any contract is executed.

<u>Risk of not proceeding to advertising</u>

If Council does not adopt the proposed Business Plan for advertising, the section 3.59 process cannot commence. The Shire would not then be in a position to lawfully enter into the proposed transaction.

Any funding outcome received from December 2026 could not be accepted and acted on until the statutory process had been completed.

Deferral remains available to Council. The consequence of deferral would be that the statutory process would run behind, rather than ahead of, the expected funding outcomes.

POLICY

Nil.

No Council policy applies directly to this decision. The proposal is governed by section 3.59 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996, as set out in the Statutory section of this report.

STATUTORY

Local Government Act 1995 - Section 3.59 - commercial enterprises by local governments

The proposal is assessed as a major land transaction.

It is a land transaction under section 3.59(1) because the Shire would acquire an interest in land and develop land. It is also made up of several proposed agreements for a common purpose, including the Memorandum of Understanding, the proposed land transfer, design and construction contracts, proposed funding agreements and proposed occupancy arrangements.

Section 3.59(2) requires a business plan to be prepared before a local government enters into a major land transaction, or a land transaction that is preparatory to a major land transaction. The proposed acquisition of Lot 800 is assessed as both preparatory to, and part of, the proposed transaction.

Section 3.59(3) sets out the required content of the business plan. The plan must include an overall assessment and details of the expected effects on the local government's facilities and services, other service providers in the district, the local government's financial position, matters contained in the local government's plan under section 5.56, and the local government's ability to manage the transaction. These matters are addressed in the proposed Business Plan.

Section 3.59(4) requires Statewide public notice stating the proposal, where the plan may be inspected or obtained, and that submissions may be made before a specified day that is not less than six weeks after notice is given. The business plan must also be available for public inspection and published on the Shire's official website.

Section 3.59(5) provides that, after the last day for submissions, the local government is to consider any submissions made and may then decide to proceed with the transaction as proposed, or in a form that is not significantly different from what was proposed. That later decision requires an absolute majority.

It follows that no decision to proceed can be made at this meeting.

Section 3.59(6) provides that if the local government wishes to proceed with a transaction that is significantly different from what was proposed, it can only do so after complying with section 3.59 in respect of the new proposal.

Section 3.59(7) requires Ministerial approval only where the regulations require it. The Local Government (Functions and General) Regulations 1996 do not require Ministerial approval for a transaction of this kind.

Section 1.8 defines Statewide public notice.

Section 3.58 would apply to any future lease or licence of part of the proposed Centre. Any such disposition would be dealt with separately when terms are settled. The proposed Business Plan is not relied on to satisfy section 3.58.

Section 3.57 would apply to any construction contract. A construction contract would not be entered into before funding is confirmed and the section 3.59 process has been completed.

Section 5.23(2)(d) applies to legal advice. The McLeods advice at Confidential Attachment 4 is provided on a confidential basis.

Sections 5.41 and 6.2 relate to CEO functions and the annual budget.

Local Government (Functions and General) Regulations 1996

Regulation 8A sets the financial threshold for determining whether a land transaction is a major land transaction.

The threshold is the lesser of $2 million or 10% of operating expenditure from the municipal fund in the last completed financial year. Based on the Shire's 2024/25 figures, that threshold is well below the proposed transaction value of approximately $13.5 million. The proposal therefore exceeds the financial threshold for a major land transaction.

The next question is whether the transaction is exempt. Regulation 8 provides an exemption only where the transaction is not intended to produce profit for the local government and is not intended to give another person joint or exclusive use of the land. The proposal is assessed as not exempt because parts of the facility are proposed to be used by other parties.

Regulation 10 applies where a transaction is to be entered into jointly with another person. The Shire has proceeded on the basis that regulation 10 applies, and the matters specified by that regulation are addressed in section 12 of the proposed Business Plan.

Part 4 of the Regulations deals with tendering and would apply to any construction contract.

Other approvals

Other approvals and processes relevant to the proposal include:

- planning approval under the Shire of Kondinin Local Planning Scheme, with the development application lodged on 24 June 2026 and determination to occur as a separate statutory function;
- a building permit under the Building Act 2011, which would follow appointment of a successful tenderer;
- based on investigations undertaken to date, Aboriginal heritage approvals are not currently assessed as being required for construction of the building, with approvals relating to Noongar exhibition content to be sought through the Elder consultation process; and
- based on investigations undertaken to date, native title, environmental approval and vegetation clearing approval are not currently assessed as being required.

STRATEGIC

Theme

4. CIVIC LEADERSHIP

2. ECONOMY

Goal

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced Local Government

2.1 Support the diverse industry across the Shire

2.3 Coordinated planning and promotion of the visitor and tourist experience

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

2.1.4 Passive spaces in central business districts are activated

2.3.3 Complete the Hyden Visitor Centre with additional funding

COMMENT

This report does not seek Council approval of the proposed $13.5 million transaction at this meeting. That approval cannot be given until the section 3.59 process has been completed.

The decision before Council is whether the proposed Business Plan should be advertised so that the community can make submissions in the form required by the Act.

The proposed Business Plan discloses the key financial and operating matters that Council and the community would need to consider.

The proposal also has documented benefits and has been independently assessed. The Shire's proposed contribution is $1,425,000 ($25,000 in kind), substantially met from an existing reserve, with no borrowing and no rate increase attributable to the proposal. Approximately 88% of the cash cost of Phases 1 and 2 is proposed to come from sources other than the Shire, subject to those sources being secured. The independent economic analysis returns a benefit cost ratio of 2.81 at the central discount rate and remains positive at a 10% discount rate.

Those matters do not decide the question for Council. They are the matters on which the community would be invited to comment, and which Council would later consider.

The proposed survey is intended to broaden community engagement. It will assist the Council hear from people who may not otherwise lodge a written submission. However, the survey will remain *separate* from the statutory submission process. Survey responses will be reported as supplementary engagement information and will not replace the submissions Council is required to consider under section 3.59(5).

The fourteen-day close-out period is included to allow any Council-requested amendments or additional information to be finalised before advertising commences. It also ensures that all Council Members receive the amended Business Plan and a schedule of changes before notice is given. If any change would materially alter the proposed transaction, the matter would return to Council before advertising proceeds.

Nothing in this report, the attachments, the Memorandum of Understanding, the funding applications or the recommendation commits the Shire to the proposed transaction. Council's discretion remains open.

After the submission period closes and submissions have been considered, Council may decide to proceed, proceed in a form that is not significantly different from what was advertised, or not proceed at all.

CONSULTATION

Hyden Progress Association

Administration

McLeods Lawyers & Barristers

RESOLUTION OCM/26/010

Moved: Cr Paul Green

Seconded: Cr Beverley Gangell

That Council:

1. Receives the Business Plan for a Major Land Transaction - Wave Rock (Katter Kich) Discovery Centre, prepared under section 3.59 of the Local Government Act 1995, as presented at Attachment 1.

2. Notes the advice of McLeods Barristers and Solicitors dated 7 July 2026 and 14 July 2026, provided as a Confidential Attachment, relating to the business plan and public notice process.
3. Endorses the Business Plan as attached for the limited purpose of public advertising under section 3.59(4) of the Act, and records that this resolution:

    a) is not a decision to enter into the major land transaction;
    b) does not commit the Shire to the acquisition of Lot 800 on Deposited Plan 421688, to the construction of the Centre, or to any expenditure beyond the cost of the statutory process; and;
    c) does not fetter Council’s discretion to decide, under section 3.59(5) and after considering all submissions, whether to proceed, to proceed in a form not significantly different from that advertised, or not to proceed.

4. Authorises the Chief Executive Officer, subject to clause 6, to:

    a) give Statewide public notice under section 3.59(4)(a) and section 1.8 of the Act;
    b) make the Business Plan available for public inspection and for copies to be obtained at the Shire Administration Offices, Kondinin, the Shire Office, Hyden, and the Kondinin and Hyden Community Resource Centres;
    c) publish the Business Plan on the Shire’s official website under section 3.59(4)(c); and,
    d) fix a submission period closing no earlier than six weeks after the date on which Statewide public notice is given, with the closing date and time to be determined in accordance with the indicative timeline within the body of this report.

5. Endorses the conduct of a community survey with proposed questions attached, as a *supplementary* engagement measure during the submission period, and records that:

    a) the survey does not substitute for, replace, satisfy or limit the written submission process required by section 3.59(4)(a)(iii) and section 3.59(5) of the Act;
    b) the matters Council is required to consider under section 3.59(5) are the submissions made on the Business Plan, and survey responses will be reported to Council as *supplementary* engagement information and not as submissions unless a respondent expressly lodges a submission;
    c) the survey is not a poll, plebiscite or vote and will not be reported or represented as determinative of Council’s decision; and

d) every survey instrument, promotion and landing page is to state prominently how to make a written submission and that a submission is the only form of comment Council is required by the Act to consider.

6. Records that this approval to proceed to advertising is given on the basis of the information before Council at this meeting, and determines that:

   a) any amendments expressly required by Council at this meeting, and any minor administrative, formatting, cross-referencing, factual or clarifying amendments made by the administration, are to be completed on or before 4 September 2026;

   b) the Chief Executive Officer is authorised to make those amendments, provided they do not materially alter the proposed transaction described in the Business Plan;

   c) a complete copy of the amended Business Plan, together with a schedule identifying each amendment made and each item of additional information added, is to be provided to all Council Members before Statewide public notice is given and before any advertising, publication or survey activity commences;

   d) no Statewide public notice is to be given, and no advertising, publication or survey activity is to commence, until paragraph (c) has been satisfied; and

   e) if any proposed amendment or additional information would materially alter the proposed transaction described in the Business Plan, including its scope, site, total value, the Shire's financial contribution, the funding model, or the tenure and occupancy arrangements, the Chief Executive Officer is to refer the Business Plan back to Council for further consideration before notice is given.

7. Notes that the proposed draft timeline within the body of this report; and that the dates in it are indicative only and subject to clause 6 and to the statutory minimum submission period.

8. Requests the Chief Executive Officer to prepare a report on all submissions received, together with a separate report on the survey results, for Council's consideration at the Ordinary Meeting of 18 November 2026 or the earliest practicable meeting thereafter, at which meeting Council will decide under section 3.59(5) whether to proceed.

9. Notes that Council will not be in a position to lawfully enter into the transaction, accept the transfer of the Land, or execute a construction contract until the section 3.59 process is complete and a decision to proceed has been made by absolute majority.

10. Records that the Business Case Version 2, May 2026 (Attachment 6) and the 10-Year Projected Income and Expenditure Statement — Caveats and Limitations, July 2026 (Attachment 7) are superseded documents provided for project history only, that they do not form part of the business plan to be advertised under section 3.59(4) of the Act, and that they are not to be relied upon as describing the current proposal.

CARRIED 6/0

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

	Green
Against:	Nil

13 BUSINESS OF AN URGENT NATURE

Nil

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15 MATTERS FOR WHICH MEETING MAY BE CLOSED / CONFIDENTIAL ITEMS

Nil

16 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

17 CLOSE OF MEETING

17.1 DATE OF NEXT MEETING

Wednesday 23rd September 2026 at the Hyden CRC Building

17.2 CLOSURE

The Meeting closed at 4.02pm