SHIRE OF KONDININ

MINUTES OF MEETING

Kondinin Shire Council Ordinary Council Meeting

Held at the Hyden Community Resource Centre on 23 September 2026

This page is intentionally left blank.

Order of Business **1 Opening of Meeting** ..... Error! Bookmark not defined.
2 Acknowledgement of Traditional Owners and Dignitaries **6**
3 Recording ofAttendance **6**
3.1 Attendance **6**
3.2 Attendance by Telephone or Instantaneous Communication **6**
3.3 Apologies **6**
3.4 Approved Leave of Absence **6**
3.5 Declarations of Disclosures of Interest **6**
4 Application for Leave of Absence **7**
5 Response to Previous Questions **7**
5.1 Questions from Elected Members taken on Notice Nil **7**
5.2 Questions taken on Notice from Public Nil **7**
6 Public Time **7**
6.1 Public Question Time **7**
6.2 Public Statement Time **7**
6.3 Petitions/Deputations/Presentations/Submissions Nil **7**
7 Questions from Members without Notice **7**
8 Announcements by Presiding Members without Discussion **12**
9 Declaration of Members to have Given due Consideration to all Matters Contained in the Agenda Before the Meeting **12**
10 Confirmation of Minutes of Previous Meetings **12**
11 Reports of Committees **13**
11.1 Audit & Risk **13**
11.2 Add the others **13**
12 Reports of Officers **14**
12.1 Corporate Services **14**
12.1.1 Monthly Financial Report for the period ended 31 July 2026 14
12.1.2 List of Accounts - August 2026 18
12.1.3 Monthly Financial Report - August 2026 21
12.2 Planning & Assets **25**
12.2.1 Consideration of Supporting Documentation Relating to Conditions of Development Approval - King Rocks Wind Farm (DAP 22/02288) 25
12.2.2 Proposed Exemption From Schedule 4 (Clause 1), Column 2 of the Building Regulations 2012 28
12.2.3 Disposal of Shire owned assets and Infrastructure - Lot 25921 Kondinin-Hyden Road, Kondinin 34
12.2.4 Request for Freehold of Portion of Reserve 49449 (Lot 300 on Deposited Plan 59344) Repacholi Parade, Kondinin 39

12.2.5 Proposed Excision and Freehold Transfer of a Portion of Reserve 23128, Lot 580 on Deposited Plan 69066, Radbourne Drive, Hyden 44

12.2.6 Proposed Unhosted Short Term Rental Accommodation at Lot 27404 on DP 207174 Karlgarin Hill Road North, Karlgarin 51

12.2.7 Karlgarin Bowling Club - Community Lease 57

12.2.8 Consideration of Transfer Deed for Access Licence at Hyden Workers Camp (Lot 192 Hyden-Mt Walker Road, Hyden) 64

12.2.9 Application to the Active Transport Fund - Construction of Footpath on Repacholi Parade, Kondinin 67

12.2.10 Community Development Report 72

12.2.11 Development Application - Proposed Community and Tourist Centre at No. 36 (Lot 800) Marshall Street, Hyden 74

12.3 Works Nil **101**

12.4 Chief Executive Officer **101**

12.4.1 2025 Compliance Audit Return 101

12.4.2 Shire Risk Register Review 109

12.4.3 Bush Fire Brigade Annual General Meeting Minutes and Officer Appointments 114

0.0 Commonwealth Migration Measures: Potential Impacts on Shire of Kondinin 119

Employers 119

13 Business of an Urgent Nature **127**

14 Motions of which Previous Notice has been Given **127**

Nil Closed doors at 5.53pm 127

15 Matters for which Meeting may be Closed / Confidential Items **127**

16 Decisions Made while Meeting was Closed to the Public **129**

15.1 Award of Request for Tender 01/2026-2027 - Cleaning Services 129

15.2 Appointment of Independent Consultant for CEO Annual Performance Review 131

15.3 Differential General Rates: Corrective Legal and Statutory Process 133

15.4 Award of Request for Tender 02/2026-2027 - Provision of Turf Irrigation, Sportsground and Associated Grounds Maintenance Services 136

17 Close of Meeting **138**

17.1 Date of Next Meeting **138**

17.2 Closure **138**

1 OPENING OF MEETING

The Shire President opened the meeting at 5.10pm

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 & emerging.

3 RECORDING OFATTENDANCE

3.1 ATTENDANCE

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

3.2 ATTENDANCE BY TELEPHONE OR INSTANTANEOUS COMMUNICATION

Mrs T Young - Microsoft Teams

3.3 APOLOGIES

Nil

3.4 APPROVED LEAVE OF ABSENCE

Nil

3.5 DECLARATIONS OF DISCLOSURES OF INTEREST

Item 12.2.1 Hyden Progress Association. Cr K Mouritz declared a conflict of Interest (impartiality interest) as a member of the Hyden Progress Association. The conflict is not financial nor proximity and Cr Mouritz does not hold a position of office on the Association. Cr Mouritz declared that he would hear and determine the agenda item on its merits and without bias.

Item 12.1.1 Hyden Progress Association. Cr P Green declared a conflict of Interest (impartiality interest) as a member of the Hyden Progress Association. The conflict is not financial nor proximity and Cr Green does not hold a position of office on the Association. Cr Green declared that he would hear and determine the agenda item on its merits and without bias.

Item 12.2.7 Karlgarin Bowling Club. Cr B Gangell declared an impartiality interest in the item. The conflict is not financial nor proximity, however Cr Gangell is a member of the Association board.

Item 12.2.7 Karlgarin Bowling Club. Cr M James declared an impartiality interest in the item. The conflict is not financial nor proximity, however Cr James is a member of the Association board.

Item 12.2.9 Active Footpath Grant. Cr Smeed declared a proximity interest as a resident of the area in which the pathway is proposed.

Item 12.2.9 Active Footpath Grant. The CEO declared a proximity interest as a resident of the area in which the pathway is proposed.

Item 15.2 Confidential item Matter Appointment of Independent Consultant review of Chief Executive Officer. The CEO declared a financial interest in this item as the report concerns the employment of the CEO.

4 APPLICATION FOR LEAVE OF ABSENCE

Application received from Cr Toni Smeed to attend next Ordinary Council Meeting on October 21st, 2026, by Video Conference.

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

Cr Paul Green – email of 22 September 2026

Question: Eft 22564 plus others – I just want to comment on shire finally catching up on the asset maintenance, (I am sure still lots to do) we have seen the list so long for basic repairs and now the administration has found a contractor that has the capacity across the entire shire to catchup the work.

Answer: Noted.

Question: 12.2.2 building regulation changes

Referenced throughout this is stakeholders. List of these please so we can put the views in context?

Answer: The Schedule of Submissions is attached, together with the list of State agencies and building industry bodies consulted. Submissions from private individuals are listed by category, not by name. Council's decision turns on the substance of the submissions rather than who made them, and individuals' personal information is protected under the Privacy and Responsible Information Sharing Act 2024 and the Shire's privacy policy.

Question: 12.2.3 asset sale.

We cannot just sell this asset without the general public having an opportunity to comment or bid? I acknowledge section 3.58 quoted exemption – but as members we have had the term reputational risk threatened to us on a number of different issues. But this little bit of the SOK assets disposed of this way will be well viewed as cronyism and potentially corruption if dealt with as is. I do though recognise the admins effort to get this off the shire books and tidy up past resolutions.

Answer: Agreed. It is suggested Council support the sale in principle and require local public notice under section 3.58(3) of the Local Government Act 1995. The notice would describe the property, the buyer, the price and the market value, and invite submissions for at least two weeks. Any submissions would be reported back to Council before a final decision. An updated valuation will be obtained for the notice.

Question: 12.2.5 Hyden freehold development.

This motion does not go far enough to make extra land for residential AND industrial land available in Hyden. Background notes are written as though this is the first time it has been to council,

This matter was presented to Council at its Ordinary Meeting held in February 2026 where Council resolved that the Chief Executive Officer prepare a proposal and associated documentation to apply to Development WA's Regional Development Assistance Program for the development of land held by the Crown and/or the Local Government Authority within the Shire of Kondinin.

I bring to your attention that the maps provided in attachments have already been to shire council and adopted on 19th March 2008. 18 years ago. I am sure you would have done your due diligence re this matter, but I would like to see these shire records and all following resolutions pertaining to the development – if any?

In relation to previous resolution in this OCM 12.2.4, why is it such that the administration has all the background work done for the town of Kondinin and the east end of the shire is delegated a low priority? Clearly from 2008 the admin should recognise the need and have prioritised attention to this matter. With further relevance the author references the Report of Review to substantiate the resolution. The Report of Review clearly states to the effect that current housing stocks are adequate to meet future demand across the shire. This review is out of date – to the extent that I am aware of 3 new builds since in the town of Kondinin (GROH,GROH and shire exec house), leaving 13 of the 16 available lots in Kondinin undeveloped with 5 commercial/industrial. (to be confirmed?) While in Hyden there remains only 1 known undeveloped or not in the process of developing. With zero industry/commercial land available. Clearly priority and financial expenditure needs to be to the east end of the shire?

Answer: The report does not refer to the 2008 decision. The resolution of 19 March 2008 and any later resolutions are being retrieved and will be provided to all Councillors.

On industrial land, the Stage 1 area is already zoned residential. Industrial land needs rezoning, which is best progressed through the Local Planning Strategy now being prepared. Council may wish to add a point asking the CEO to identify options for commercial and industrial land in Hyden for inclusion in the draft Local Planning Strategy, and to report back.

Answer: The Kondinin item is further advanced because Council resolved to pursue that land in February 2025, and DPLH has now responded with a price. Item 12.2.5 starts the same process for Hyden. The difference is one of timing, not a lower priority for the east of the Shire.

The current number of vacant residential and commercial or industrial lots in both towns is being confirmed and will be provided.

Question: 12.2.7 Karlgarin bowling lease

This is a new build with a long term future on the site. Just make the lease the full 21 yr term period.

Answer: The management order allows a lease of up to 21 years in total, so Council can amend the recommendation to a single 21-year term, or to 10 years plus an 11-year option.

The current 10 plus 10 structure gives Council a review point after 10 years. That matters because the Shire pays building maintenance, building insurance and utilities under the lease. Any term still needs the approval of the Minister for Lands.

Question: 12.2.11 discovery centre

This is again another example of a set of rules for the town of Kondinin and a set for the east end of the shire by the administration.

When the Kondinin rec centre came to members, it had a resolution to get plans done, it had a resolution to go to tender, it had a resolution to accept or reject the preferred tender – and then it was built.

Why does Hyden have a near full alphabet of conditions that it needs to adhere to? Both will be on shire land, both will be shire buildings, both have kitchens, both will have toilets, both (I assume) will have people capacity of approx. 100 patrons. We never saw a hint of the hurdles for the town of Kondinin? Why present this imposition to the community of Hyden when clearly it wasn't to the town of Kondinin build?

Answer: The difference is who is carrying out the development, not which town it is in. The Kondinin Recreation Centre and other Shire buildings were public works carried out by the Shire. As public works they were exempt from development approval, so no planning conditions applied. Council's decisions on plans, tender and construction were project and procurement decisions.

The Hyden proposal is a development application lodged for the Hyden Progress Association, which the report records as the landowner. It is not a Shire public work, so it needs development approval under the Local Planning Scheme and the State planning regulations. The same would apply to an application of this kind in Kondinin or Karlgarin.

Most of the conditions come from the State agencies that must be consulted, reflecting this particular site:

- it fronts Brookton Highway (Main Roads conditions);
- the loading bay relies on access over the adjoining IGA property;
- it includes a café and public areas (food and public building requirements); and
- the existing septic system must be decommissioned (Department of Health).

Several other conditions are there because the application did not include enough detail on parking, traffic, access and operations. If Councillors consider any condition unnecessary, it can be amended or deleted at the meeting on planning grounds.

Question: 12.4.3 fire brigade

Note north hyden deputy Jez James – ceased 2 yrs ago and Lachie Mouritz who now resides north Hyden has been the deputy since.

Answer: Thank you. This is being confirmed with the Hyden North brigade. A recommendation will be tabled to appoint Lachie Mouritz as Deputy Fire Control Officer, Hyden Brigade North, in place of Jeremy James.

Question: Confidential tender 02/2026-2027

Background reference to the previous years costings of this work for ovals of approx. $250k – can a complete list of itemised accounts for this 250k be available for reference? (digital) And what exactly was the tender to cover for the money?

Answer: An itemised creditor listing of payments to NewGround Water Services from 2019/20 to 2025/26 will be provided digitally and marked confidential. The historical figures include separately commissioned irrigation, water infrastructure and capital works, so they are not directly comparable with the tender.

The tender covers routine turf and garden maintenance, irrigation operation and maintenance, soil testing, fertiliser and chemical application, and annual coring and top dressing. It applies to the football and hockey grounds at Kondinin and Hyden, the CWA Gardens in Hyden, and the Town Hall and Memorial Garden in Kondinin.

Cr Toni Smeed – email of 23 September 2026

Question: EFT 22507 - Lo Go Appointments - Temporary MOW

$8659.63

Bob is employed by the Shire, why are we still paying money to Lo Go Appointments?

Answer: Invoices related to weeks ending 24.07.26 & 01.08.26. Bob commenced full time on 03.08.26

Question: EFT 2511 - Ray White - Hyden Rentals

$1160/month

Why are we paying rentals, when an empty house sits in Kondinin.

When the swimming pool manager returns to Hyden, where will contractors stay?

Answer: This payment is for the unit currently utilised by Contracts and soon to be occupied by the Pool Manager as the season starts. The empty residence in Kondinin has undergone works and will shortly be utilised for contractors.

Question: EFT 22541 - Kondinin CRC

$1000.00

This should read Early Years not Better Beginnings. This is the Shire's yearly contribution to the Kondinin Early Years program.

Answer: Thank you, that is correct. The payment description will be corrected in the finance system, and the correction will be noted in the minutes.

Question: EFT 22547 - Wave Rock Short Stay

$2970.00

Accommodation for 3 staff?

Answer: Yes. It was accommodation for Shire staff working on the Hyden–Norseman Road over four weeks. The cost is charged to that road project (SLR 032). 3 staff x 11 nights @ $90 per night = $2970.00 (Hyden-Norseman Roadworks – 18.08.26 to 22.08.26, 24.08.26 to 29.08.26, 03.09.26 to 05.09.26)

Question: EFT 22565 - DCCM

$45 508.31

Given my declared conflict of interest due to my husband previously undertaking maintenance work for the Shire, I wish to make it clear that this question is not related to any past contractor arrangements. Rather, it relates to my role as a Councillor and my responsibility to ensure ratepayer funds are being spent efficiently and responsibly.

The expenditure of $45,508.31 on building maintenance in a single month appears significant, and I would appreciate further detail from the CEO regarding the processes used to manage these costs.

- What measures are in place to ensure that maintenance requests are assessed and completed in the most cost-effective manner?

- Are costs associated with travel from Perth being monitored and assessed against alternative options, particularly where inspections or call-outs do not result in repairs being completed?
- Has any review been undertaken of the quality and effectiveness of completed maintenance works, particularly where repairs have reportedly required further attention shortly after completion?

I raise these questions because I have observed and received feedback regarding examples where maintenance resources may not have been used as effectively as possible. These include reports of maintenance staff travelling from Perth to inspect a job without undertaking repairs, concerns regarding workmanship and repeat repair requirements at the CRC, and ongoing maintenance issues at the West buildings that continue to place an unfair burden on community volunteers.

As Councillors, we have a responsibility to ensure that every dollar of ratepayer money is spent wisely. My intention in raising these questions is not to criticise individual staff or contractors, but to better understand whether the current maintenance approach is delivering value for money, timely repairs, and appropriate stewardship of Shire assets. Given the level of expenditure involved, I believe it is reasonable for Council to seek assurance that our maintenance program is both fiscally responsible and achieving the outcomes our community expects.

Assessment and cost-effectiveness of maintenance requests

Answer: Each monthly progress claim from DCCM is reviewed line by line by the Manager Planning and Assets before a purchase order is issued. Claims separate labour, materials, subcontractor costs and management time for each job. Items are queried where the work is not clear or not complete.

For example, in reviewing the August claim the Shire queried several items. As a result, a charge for the Hyden Swimming Pool will be credited, a July labour charge for the Karlgarin Bowling Club will be credited, and travel costs were reallocated.

The program is also working through a substantial backlog of outstanding jobs carried over from the previous maintenance list, as well as larger items that need proper scopes and engineering reports before work can start.

Travel costs from Perth

Answer: Yes. Travel from Perth is shown as a separate line in each monthly claim. In August it made up about $6,700 of a claim of about $56,100, or roughly 12 per cent.

The Manager Planning and Assets has told DCCM that repeat inspections are not acceptable and one attendance should be enough. DCCM has agreed. To reduce return visits, the Shire will provide more photos, measurements and site details when a job is first requested.

Some inspection-only visits are needed to scope larger jobs before subcontractors travel. Examples are the structural engineer's report on the administration building wall and the feature survey of the West Shops.

A meeting has been held with the Manager of Works and the Depot Administrator on how the arrangement can be run more efficiently. Greater use of local contractors will be considered as part of that.

Quality of completed works, the CRC and the West buildings

Answer: At the Kondinin CRC, DCCM is dealing with the gutter and downpipe repair and a recurring skylight leak, and further subcontractor work is still required.

For the West Shops (Heritage Shops), DCCM has completed a feature survey and is preparing a scope of works based on the consulting engineer's report. This is the first step towards addressing those buildings properly, rather than relying on volunteers for ad hoc repairs.

A report on the building maintenance arrangements will be presented to Council at the [October] meeting. It will cover how the contractor was engaged and spend to date, travel costs, repeat or rectification work, and options to improve value for money.

Question: 12.2.9

Footpath Construction

I understand that this recommendation is for the purpose of applying for grant funding; however, I am concerned about the suitability of constructing footpaths before the condition of the road itself is addressed.

Are there any plans to reconstruct or significantly improve the road prior to the installation of the proposed footpaths?

Answer: There are drainage issues on Repacholi Parade. Ideally it would be a good opportunity to do both the road and the footpath together. The Active Transport Fund is for footpaths only, but other funding sources are being considered for the road. The two are linked but separate projects.

An on-site inspection of the route is being arranged with the CEO, the Manager Planning and Assets, the Manager of Works and the Depot Administrator.

If Council wishes, a point could be added asking the CEO to assess the road pavement and drainage along the route and to coordinate any necessary road works with the footpath design before construction.

Question: Late item

Can construction be added to the list in the recommendation at point 3 c? Answer: To

be reviewed at the agenda item.

8 ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

Nil

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

Not declared.

10 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RESOLUTION OCM/26/004

Moved: Cr Darren Pool

Seconded: Cr Toni Smeed

That the minutes of the Ordinary Council Meeting of 19 August 2026 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

CARRIED 7/0

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

Against: Nil

RESOLUTION OCM/26/005

Moved: Cr Darren Pool

Seconded: Cr Toni Smeed

That the minutes of the Special Council Meeting of 28 August 2026 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

CARRIED 7/0

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

Against: Nil

RESOLUTION OCM/26/006

Moved: Cr Darren Pool

Seconded: Cr Toni Smeed

That the minutes of the Special Council Meeting of 1 September 2026 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

CARRIED 7/0

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

Against: Nil

11 REPORTS OF COMMITTEES

11.1 AUDIT & RISK

Nil

11.2 ADD THE OTHERS

Nil

12 REPORTS OF OFFICERS

12.1 CORPORATE SERVICES

12.1.1 Monthly Financial Report for the period ended 31 July 2026

FILE NUMBER:

DATE: 14 September 2026

AUTHOR: Vince Bugna, Manager Corporate Services

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS: 1. Monthly Financial Report for the period ended 31 July 2026 - *Under Separate Cover*

RECOMMENDATION

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

SUMMARY

To present to Council the Monthly Financial Report for the period ended 31 July 2026.

VOTING REQUIREMENT

Absolute Majority

COUNCIL'S ROLE

Executive

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

BACKGROUND

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

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

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

period at which it relates.

FINANCIAL

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

RISK

Non-compliance

POLICY

Nil

STATUTORY

Local Government Act 1995

Local Government (Financial Management) Regulation 1996

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced Local Government

Strategy

4.1.5 The capability of our organisation is continually improved

4.2.1 External audits and reviews confirm compliance with relevant Local Government legislation 4.2.2 Financial sustainability in achieving community aspirations

COMMENT

Highlights of the July 2026 financial reports are as follows:

Item	Reference
Cash at Bank composed of $3,696,923 reserve accounts (restricted), $56,019 LCDC fund, $2,807,872 term deposit investments and $1,979,442 general fund (Muni, OCDF & Petty cash).	Page 9 Note 6 Cash and Financial Assets Page 10 Note 7 Reserve Accounts

Receivables Rates and Rubbish = $405,527 net collectible carry forward 2025/26 balance. Other receivables of $445,720 composed of $356,465 Sundry Debtors ($308,139 of which was a road maintenance grant for 2026/27 invoiced Main Road), $41,719 Gst receivable and $47,537 ESL and pensioner related receivables.	Page 16 Note 10 Receivables
Current Liabilities and long service leave provision, $269,307 Current portion of borrowings (payable within 12 months), $493,282 unearned Capital	Page 5 Note 2 Net Current Assets used in the Statement of Financial Activity
Closing Funding Surplus (Deficit) actual is $4,278,871 composed of $9,454,910 Current Assets *less* $1,635,377 Current Liabilities and $(3,540,662) Adjustments to Net Current Assets.	Page 5 Note 2 Net Current Assets used in the Statement of Financial Activity
Significant Capital Projects: Roadworks budgeted for $5.6m is 2% completed from R2R142 Lake Plant and equipment budgeted for $1.8m is 0% completed expecting Admin vehicles delivery next month August.	Page 7 Key Information Page 11 to 14 Note 8 Capital Acquisitions
Grants, Subsidies and Contributions Operating grants total invoiced to date = $308,139 for MRWA Direct grant expecting to be received within a month (August 2026)	Pages 21 Note 15 Grants, Subsidies and Contributions

matching in comparison to the actual spread of revenue or expenditure.

Timing difference will not result in a forecast adjustment. Where the material variance is flagged as

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

CONSULTATION

Nil

RESOLUTION OCM/26/007

Moved: Cr Paul Green

Seconded: Cr Darren Pool

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

CARRIED 7/0 BY ABSOLUTE MAJORITY

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

Against: Nil

12.1.2 List of Accounts - August 2026

FILE NUMBER:

DATE: 15 September 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 Paid for the month of August 2026 - *Under Separate Cover*

RECOMMENDATION

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

(i)	Municipal fund payment cheque numbers 19581 to 19583	$ 15,026.24
(ii)	Municipal EFT22500 to 22584	$ 849,061.46
(iii)	Direct Debits Transport Hyden Office	$ 3,034.50
(iv)	Direct Debits Transport Kondinin Office	$ 5,990.90
(v)	Direct Debits Credit Cards DD24221.1	$ 3,315.27
(vi)	Direct Debits Other	$ 27,892.66
(vii)	EFTPOS, AKF & Bank Fees	$ 1,205.68
(viii)	Payroll EFTs	$153,046.29
	Total	

$1,058,573.00

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

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 Office 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)

(b) The amount of the payment;

(c) The date of the payment;

(d) Sufficient information to identify the transaction.

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

(a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) Recorded in the minutes of that meeting.

FINANCIAL

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

RISK

Non-compliance

POLICY

Nil

STATUTORY

Local Government (Financial Management) Regulations 1996

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced Local Government

Strategy

4.1.5 The capability of our organisation is continually improved

4.2.2 Financial sustainability in achieving community aspirations

COMMENT

Nil

CONSULTATION

Nil

RESOLUTION OCM/26/008

Moved: Cr Paul Green

Seconded: Cr Darren Pool

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

(i)	Municipal fund payment cheque numbers 19581 to 19583	$ 15,026.24
(ii)	Municipal EFT22500 to 22584	$ 849,061.46
(iii)	Direct Debits Transport Hyden Office	$ 3,034.50
(iv)	Direct Debits Transport Kondinin Office	$ 5,990.90
(v)	Direct Debits Credit Cards DD24221.1	$ 3,315.27
(vi)	Direct Debits Other	$ 27,892.66
(vii)	EFTPOS, AKF & Bank Fees	$ 1,205.68
(viii)	Payroll EFTs	$153,046.29
	Total	

$1,058,573.00

CARRIED 7/0 BY ABSOLUTE MAJORITY

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

Against: Nil

12.1.3 Monthly Financial Report - August 2026

FILE NUMBER:

DATE: 17 September 2026

AUTHOR: Vince Bugna, Manager Corporate Services

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS: 1. Monthly Financial Report - August 2026 - *Under Separate Cover*

RECOMMENDATION

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

SUMMMARY

To present to Council the Monthly Financial Report for the period ended 31 August 2026.

VOTING REQUIREMENT

Absolute Majority

Executive

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

BACKGROUND

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

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

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

period at which it relates.

FINANCIAL

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

RISK

Non-compliance

POLICY

Nil

STATUTORY

Local Government Act 1995

Local Government (Financial Management) Regulation 1996

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced Local Government

Strategy

4.1.5 The capability of our organisation is continually improved

4.2.1 External audits and reviews confirm compliance with relevant Local Government legislation 4.2.2 Financial sustainability in achieving community aspirations

COMMENT

Highlights of the August 2026 financial reports are as follows:

Item	Reference
Cash at Bank composed of $3,753,608 reserve accounts (restricted), $56,019 LCDC fund, $2,807,872 term deposit investments and $1,472,452 general fund (Muni, OCDF & Petty cash).	Page 9 Note 6 Cash and Financial Assets Page 10 Note 7 Reserve Accounts
Receivables Rates and Rubbish = $395,061 net collectible carry forward 2025/26 balance. Other receivables of $136,558 composed of $24,613 Sundry Debtors, $66,850 Gst receivable and $45,095 ESL and pensioner related receivables.	Page 16 Note 10 Receivables

Current Liabilities annual and long service leave provision, $269,307 Current portion of borrowings (payable within 12 months), $493,282 unearned Capital	Page 5 Note 2 Net Current Assets used in the Statement of Financial Activity
Closing Funding Surplus (Deficit) YTD actual is $3,591,853 composed of $8,606,946 Current Assets *less* $1,417,747 Current Liabilities and $(3,591,853) Adjustments to Net Current Assets.	Page 5 Note 2 Net Current Assets used in the Statement of Financial Activity
Significant Capital Projects: Roadworks budgeted for $5.6m is 5% completed from R2R142 Lake - Narembeen Road. Plant and equipment budgeted for $1.8m is 7% completed.	Page 7 Key Information Page 11 to 14 Note 8 Capital Acquisitions
Grants, Subsidies and Contributions Operating grants total invoiced to date = $457,689 from MRWA Direct grant, Financial Assistance Grants (FAGS) and DFES quarter 1 grant	Pages 21 Note 15 Grants, Subsidies and Contributions

matching in comparison to the actual spread of revenue or expenditure.

Timing difference will not result in a forecast adjustment. Where the material variance is flagged as Refer to page 6, Note 3 Explanation of Material Variances.

CONSULTATION

Nil

RESOLUTION OCM/26/009

Moved: Cr Beverley Gangell

Seconded: Cr Paul Green

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

CARRIED 7/0 BY ABSOLUTE MAJORITY

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

Against:	Nil

12.2 PLANNING & ASSETS

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

FILE NUMBER:	HRT R.8
DATE:	7 September 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 - Issued for Construction (IFC) Drawings - *Under Separate Cover* 2. Summary of Conditions of Development Approval - *Under Separate Cover*

RECOMMENDATION

That Council:

1. APPROVES the plans attached last updated 12 August 2026 in support of Condition 3 / Advice Note 2 of development approval issued by the Mid-West/Wheatbelt JDAP at its

   agricultural lots located approximately 35km north-east of the Hyden townsite.
2. NOTES the attached Summary of Development Conditions, which provides an updated status of the actions taken to address the conditions of development approval for DAP 22/02288.

SUMMARY

This report is for Council to consider and approve the plans attached to this Agenda Report as they relate to condition 3 of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting

lots located approximately 35km north-east of the Hyden townsite. The Reporting Officer considers the documentation addresses the relevant condition of development approval and that Council approve accordingly.

VOTING REQUIREMENT

Simple Majority

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

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 Condition 3, Advice Note 2.

Condition 3

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

Advice Note 2

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

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

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

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

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

Officer Comment:

Administration incrementally and approved by Council at the Ordinary Meetings held on 20 August 2025, the 11 February 2026 and 25 March 2026. These sets of plans outline the electrical works to conclude the layout for the Operations and Maintenance Facility onsite which resulted from a change to the proposed layout of the Wastewater Treatment Plant.

Summary

The Reporting Officer has reviewed the plans submitted by the Applicant and supports that the documentation contained herewith suitably complies with addressing Condition 3 and associated Advice Note 2 and in liaison with the Applicant confirms that all components of this condition have now been met.

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 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* as part of the development application process.

Applicant during the project.

RESOLUTION OCM/26/010

Moved: Cr Murray James

Seconded: Cr Toni Smeed That

Council:

1. APPROVES the plans attached last updated 12 August 2026 in support of Condition 3 / Advice Note 2 of development approval issued by the Mid-West/Wheatbelt JDAP at its

   agricultural lots located approximately 35km north-east of the Hyden townsite.
2. NOTES the attached Summary of Development Conditions, which provides an updated status of the actions taken to address the conditions of development approval for DAP 22/02288.

CARRIED 7/0

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

Against: Nil

12.2.2 Proposed Exemption From Schedule 4 (Clause 1), Column 2 of the Building Regulations 2012

FILE NUMBER: BB.2

DATE: 7 September 2026

AUTHOR: Tory Young, Manager Planning & Assets

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:
1. Extract from Schedule 4 (Clause 1) of Building Regulations 2012 - *Under Separate Cover*
2. Schedule of Submissions September 2026 - *Under Separate Cover*

RECOMMENDATION

That Council:

1. SUPPORTS an exemption under Schedule 4 (Clause 1), Column 2 of *Building Regulations 2012* to include the Shire of Kondinin as a Local Government District where building permits are not required for building work for Class 10 building or incidental structures in
   (a) areas zoned rural by the Local Planning Scheme; OR
   (b) all areas of the Local Planning Scheme
2. RECEIVES the Summary of Submissions as attached as evidence of consultation with relevant stakeholders;
3. Kondinin in Schedule 4, clause 1, Column 3 of the Building Regulations 2012, on the basis that exempting buildings other than Class 10 buildings or incidental structures from the requirement to obtain a building permit would create an unacceptable level of regulatory and public- - compliant building work and place the Shire in an untenable compliance and enforcement position.
4. AUTHORISES the Chief Executive Officer to write to the Executive Director of the Department of Local Government, Industry Regulation and Safety making the request for exemption outlining details of appropriate consultation with stakeholders, reasons for the request and a whole of Council resolution.

SUMMARY

The purpose of this report is to update Council following the advertising period to seek an exemption under Schedule 4 (Clause 1), Column 2 and Column 3 of the *Building Regulations 2012* to include the Shire of Kondinin as a Local Government District where building permits are not required for land

forward to the Department of Local Government, Industry Regulation and Safety seeking formal consideration of the proposed amendment.

VOTING REQUIREMENT

Simple Majority

Executive

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

BACKGROUND

At its Ordinary Meeting held on 17 June 2026, Council amended the officer recommendation and authorised the advertising of a proposal to request that the Shire be included in Schedule 4, clause 1, Columns 2 and 3 of the Building Regulations 2012.

2 & 3 of the Building Regulations 2012 for a minimum of 42 days;

AUTHORISES the Chief Executive Officer to report the matter back to Council following the advertising period with the following information: I. Summary of Submissions Received;

II.

the Building Act 2011 and the Local Government Act 1995; III.

Justification for the Proposed Exemption.

Schedule 4 (Clause 1) of the *Building Regulations 2012* identifies local government districts where a building permit is not required for certain types of building work. The exemptions are set out in two categories: Column 2 applies to building work for Class 10 buildings or incidental structures, while Column 3 applies to building work for buildings other than Class 10 buildings or incidental structures.

Most exemptions afforded to Local Government Districts apply to Column 2 for class 10 buildings or incidental structures for works across the district other than townsites. The regional and remote Shires included in the schedule can be viewed in the extract of the building regulations attached to this Agenda Report. The majority of like local governments within proximity to the Shire of Kondinin are included in the schedule, namely Narembeen, Corrigin, Lake Grace, Bruce Rock, the exception being the Shire of Kulin. All these comparable Shire examples only afford exemptions under Column 2 (i.e. for Class 10 building or incidental structure).

The Department of Local Government, Industry Regulation and Safety advised that the Shire of Kondinin may request exemption under Schedule 4 (Clause 1) of the Building Regulations 2012, subject to undertaking the following:

- Consider the implications of the proposal given its obligations under the Building Act 2011 and the Local Government Act 1995
- Consult with affected stakeholders on an appropriate transition time for the introduction of these requirements
- Obtain a whole of Council resolution supporting the decision.

Adhering to this advice, Council at its Ordinary Meeting held on the 17 June 2026 considered the matter and endorsed a proposed amendment for public comment. The amendment is shown in italics in the table below as extracted from the *Building Regulations 2012*.

Column 1 Local Government District	Column 2 Area where building permit not required for building work for Class 10 building or incidental structure	Column 3 Area where building permit not required for building work for building other than Class 10 building or incidental structure
Shire of Kondinin	*Areas zoned Rural by a Local Planning Scheme*	*Areas zoned Rural by a Local Planning Scheme*

The proposal was published in newsletters distributed in the locality namely, the Echo and the Hyden

the building industry together with relevant State agencies. A summary of the submissions received are detailed in the Summary of Submissions attached to this Agenda Report.

FINANCIAL

Financial Year	Building Permit Income to Shire	Commission Received
20/21	$3,957.79	$91.20
21/22	$2,490.61	$99.60
22/23	$3,286.00	$122.35
23/24	$2,764.98	$161.69
24/25	$21,404.81	$161.69
25/26	$17,062.73	$77.75
TOTAL	**$51,996.92**	**$635.84**
GRAND TOTAL	**$51,602.76**	

Total Building Permits Issued from 20/21 25/26	Amount
Total Class 10 Permits Issued	42
Total non-Class 10 Permits Issued	50
TOTAL PERMITS ISSUED	92

Income from Building Permits Issued from 20/21 25/26	Amount
Total Income Received from Permits	$51,602.76
Minimum Income Received from Class 10 Permits	$4,830
Total Income Excluding Class 10 Permits	$46,772.76

**NB the figures listed in the table above are indicative. The fees received by the Shire for Class 10 buildings is 0.32 % of estimated work with a minimum fee of $110. The calculation of the fees received for Class 10 building in the table above is based on this minimum fee only and the actuals are higher but difficult to separate from the collection data.*

RISK

Feedback received during the advertising period identified a significant inherent risk to the Shire of Kondinin if it proceeds with seeking exemptions under both Column 2 and Column 3 of Schedule 4 (Clause 1) of the *Building Regulations 2012*. Respondents strongly recommended that the Shire seek an exemption under Column 2 only, limiting the exemption to Class 10 buildings. This approach would substantially reduce the level of risk to the Shire.

If Council wishes to include non-Class 10 buildings in the exemption request, it should carefully assess the associated risks before proceeding. Council should weigh any potential benefits against the increased risk of liability, particularly in situations in which injury, death or financial loss may arise from non-compliant building work.

POLICY

Nil

STATUTORY

Building Act 2011

Building Regulations 2012

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.2 We are a compliant and resourced Local Government

Strategy

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

COMMENT

The Reporting Officer has addressed the points directed by the Department of Local Government, Industry Regulation and Safety summarised below to inform the progress of the matter by Council.

Consider the implications of the proposal given its obligations under the Building Act 2011 and the Local Government Act 1995

The exemptions in Schedule 4 (Clause 1), Column 2 of the *Building Regulations 2012* relate to Class 10 buildings carried over from previous building legislation. These exemptions have generally applied in regional or remote local government areas where limited resources made it difficult to enforce building controls, including the processing of building permits across entire districts. On this basis, it is considered reasonable for the Shire of Kondinin to be included in the Column 2 exemption, consistent with surrounding comparable local governments such as the Shires of Narembeen, Lake Grace, Bruce Rock and Corrigin. The exemption also aligns with the 1 July 2026 amendment issued by the Department of Local Government, Industry Regulation and Safety, which increased the threshold requiring a registered builder for Class 10a buildings from $20,000 to $50,000. In addition, the proposal is consistent with the existing exemption from the requirement to use a registered builder for the construction of a permanent farm building on land used primarily for agricultural purposes, where the building will also be used for agricultural purposes.

Based on the existing exemptions afforded to like regional Local Governments and the exemptions recently issued by the Department of Local Government, Industry Regulation and Safety to lessen requirements for development of Class 10 buildings and permanent farm buildings used for agricultural purposes, it is

considered that the proposed amendment to include the Shire of Kondinin in Schedule 4 (Clause 1), Column 2 of the *Building Regulations 2012* exempting the need for a building

take effect whilst still enabling the Shire of Kondinin to meet its obligations under the *Building Act 2011* and the *Local Government Act 1995.*

Nothwithstanding the above, it is worth making mention of the two submissions received from local landowners questioning the rationale for the exemption applying only to rural zoned land and consideration for the exemption applying to class 10 development in all areas of the Scheme area to provide a more equitable approach to the proposal. This option has been presented to Council for consideration.

In contrast, extending the exemption to non-Class 10 buildings is difficult to justify while still ensuring the Shire of Kondinin can meet its obligations under the *Building Act 2011* and the *Local Government Act 1995*. This concern was clearly articulated in responses received from industry stakeholders during the advertising period documented in the Summary of Submissions attached to this Agenda Report.

Building Classes 1 to 9 are subject to extensive requirements under the National Construction Codes, which are designed to protect human safety, amenity, health and the environment. It would be challenging to demonstrate compliance with these requirements without a building permit process.

In practice, the building permit process provides an administrative checkpoint for identifying development that may require assessment under other legislation. Without this process, the Shire would need to implement alternative mechanisms to identify and assess developments under those legislative frameworks.

If the Shire proceeds with seeking an exemption for non-Class 10 buildings, an alternative assessment process would need to be developed and presented to demonstrate how the Shire will continue to meet its obligations under the *Building Act 2011* and the *Local Government Act 1995*. This seems counterproductive, when an existing framework is already in place.

Consult with affected stakeholders on an appropriate transition time for the introduction of these requirements

The proposal was published in newsletters distributed in the locality namely, the Echo and the Hyden

the building industry together with relevant State agencies. A total of eleven (13) submissions were received detailed in the Summary of Submissions attached to this Agenda Report. Most respondents were supportive of the proposal if it related to Class 10 buildings only and none specifically noted an appropriate transition time for the introduction of the requirements.

It is envisaged if the exemption was approved, the proposal would be advertised through the following mechanisms.

- Individual letters sent to relevant stakeholders in building sector
- Individual letters send to relevant stakeholders in the compliance sector
- Advert circulated in the locality to notify all owners and occupiers
- Notice included in the circulation of the 2027 rates notices to notify all landowners within the municipality

Obtain a whole of Council resolution supporting the decision.

Council at its Ordinary Meeting held on the 17 June 2026 supported the advertising of the proposed amendment to Column 2 and Column 3 of Schedule 4 (Clause 1) of the *Building Regulations 2012* to include the Shire of Kondinin. The matter is now presented back to Council to satisfy this requirement.

On endorsement from Council, the Chief Executive Officer is required to write to the Executive Director of the Department of Local Government, Industry Regulation and Safety to make the request outlining details of

appropriate stakeholder consultation, reasons for the request and a whole of Council resolution. The request would be assessed and a response provided accordingly.

CONSULTATION

The Shire of Kondinin advertised the proposal for a 42-day period across the Shire via various

platforms and individual letters were sent to relevant industry stakeholders and state agencies. All responses received have been documented in the Summary of Submissions attached to this Agenda Report.

RESOLUTION OCM/26/011

Moved: Cr Paul Green

Seconded: Cr Bruce Browning That

Council:

1. SUPPORTS an exemption under Schedule 4 (Clause 1), Column 2 of *Building Regulations 2012* to include the Shire of Kondinin as a Local Government District where building permits are not required for building work for Class 10 building or incidental structures in

   (b) all areas of the Local Planning Scheme;

2. RECEIVES the Summary of Submissions as attached as evidence of consultation with relevant stakeholders;

3. Kondinin in Schedule 4, clause 1, Column 3 of the Building Regulations 2012, on the basis that exempting buildings other than Class 10 buildings or incidental structures from the requirement to obtain a building permit would create an unacceptable level of regulatory and public-safety -compliant building work and place the Shire in an untenable compliance and enforcement position.

4. AUTHORISES the Chief Executive Officer to write to the Executive Director of the Department of Local Government, Industry Regulation and Safety making the request for exemption outlining details of appropriate consultation with stakeholders, reasons for the request and a whole of Council resolution.

5. That Council lays this matter on the table until the October 2026 Ordinary Meeting of Council, pending the Chief Executive Officer making further enquiries with the Shire of Kent and the Shire of Murchison regarding the exemptions listed in Column 3 of the relevant determination as referred to in item 3 above.

CARRIED 7/0

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

Against: Nil

12.2.3 Disposal of Shire owned assets and Infrastructure - Lot 25921 Kondinin-Hyden Road, Kondinin

FILE NUMBER:

DATE: 9 September 2026

AUTHOR: Tory Young, Manager Planning & Assets

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:

1. Original Bore Agreement 2011 - *Under Separate Cover*
2. Amended Bore Agreement 2022 - *Under Separate Cover*
3. Offer to Purchase 9 March 2026 - *Under Separate Cover*
4. Offer to Purchase 7 September 2026 - *Under Separate Cover*

RECOMMENDATION

That Council:

1. ACCEPTS an offer of $5,500 (inclusive of GST) from Willachy Pty Ltd for the purchase of a Shire-owned bore pump, water pipes, water tanks, and associated infrastructure located on Lot 25921 on Deposited Plan 160038, Kondinin Hyden Road, Kondinin.
2. APPROVES the disposal of Shire of Kondinin asset No. 12013, comprising the bore pump, water pipes, water tanks, and associated infrastructure.
3. NOTES that the disposal is exempt from section 3.58 of the Local Government Act 1995 under regulation 30(3)(a) of the Local Government (Functions and General) Regulations 1996, provided the current market value of the assets (described hereunder) is less than $20,000.
4. APPROVES and AUTHORISES the Chief Executive Officer to terminate the Agreement dated 25 October 2022 between the Shire of Kondinin and Willachy Pty Ltd for the use of the bore pump and associated infrastructure by the Shire.
5. APPROVES and AUTHORISES the Chief Executive Officer to enter into a Deed of Agreement between the Shire of Kondinin and Willachy Pty Ltd to permit the Shire ongoing access to, and use of, the bore for the purpose of supplying water to support Shire operations.

SUMMARY

The purpose of this report is for Council to consider the disposal of Shire Asset 12013 by sale to Willachy Pty Ltd for $5,500 (incl GST). The asset consists of a bore pump, water pipes, water tanks and other associated infrastructure situated on Lot 25921 on DP 160038 Kondinin-Hyden Road, Kondinin (owned by Willachy Pty Ltd).

The report also seeks Council approval to terminate an asset usage agreement between the Shire and Willachy Pty Ltd dated 25 October 2022.

VOTING REQUIREMENT

Simple Majority

Executive

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

BACKGROUND

Council at its Ordinary Meeting held on the 25 March 2026 considered this matter and resolved not to support the Officer Recommendation to accept the offer of $2,200 (incl GST) from Willachy Pty Ltd for the purchase of a Shire-owned bore pump, water pipes, water tanks and associated infrastructure on Lot 25921 on Deposited Plan 160038, Kondinin-Hyden Road, Kondinin. The landowners were advised of the outcome and have increased their offer from $2,200 (incl GST) to $5,500 (incl GST).

To provide context on the offer, during early 2011, the Shire installed a water bore and supporting infrastructure at Lot 25921 Kondinin Hyden Road, Kondinin at a total cost of $26,683. At the Ordinary Meeting of Council in May 2011, Council resolved and endorsed the original agreement (as attached) between the Shire of Kondinin and the landowners of Lot 25921 Kondinin-Hyden Road, Kondinin for the management and control of the bore and associated infrastructure. Within the body of the Agenda Report from the Ordinary Meeting of Council held on the 18 May 2011, the Reporting

Department of Agriculture for the purchase of water tanks. At the time of finalising the report, the Reporting Officer had received verbal approval that the Shire would receive funding for the purchase of 2 x 100,000 litre water tanks. The purchase of the tanks and the agreement was approved by Council based on grant funding being received to cover the bulk cost of the infrastructure.

The property was later sold to Willachy Pty Ltd, and the existing agreement was amended by Council at its Ordinary Meeting in September 2022 (as attached) to align with the change of ownership of the property and to better reflect the management and use of the infrastructure. Included in the agreement was a commitment by the Shire to cost share operating expenses including electricity, maintenance and servicing.

From the time of entering into the agreement in 2022, the Shire has not used the water at the property for emergency purposes. Notwithstanding, the Shire has continued to meet its obligations under the cost sharing agreement.

Willachy Pty Ltd is now offering to purchase the bore pump and supporting infrastructure from the Shire for $5,500 (incl GST). This increased offer is considered as being fair value as the end of useful life of the pump is estimated to be reached towards the end of 2026 the pump is aged and will require intervention, if not replacement. Moreover, as outlined above, it is assumed that part of this infrastructure (2 x 100,000 litre tanks) was purchased by the Shire via grant funding from the Department of Agriculture. No information exists to suggest the disposal of the assets is the subject of grant imposed restrictions.

The Shire will continue to maintain access to the asset and draw water pending consultation via a Deed of Agreement.

FINANCIAL

The asset lifecycle costs are articulated within the following table. Please note that a conservative estimate of $5000 per annum for Shire contributions to operating costs has been applied to the calculations:

Date	Item	Value
2011	Supply and installation of the bore pump and supporting infrastructure. Estimated asset life 15 years,	$26,683

2011-2026	Conservative estimated whole of life costs utilities, servicing and maintenance ($5,000 per annum).	$75,000
Total Lifecycle Cost 2011 to 2026		**$101,683**

The estimated saving to the Shire is articulated within the following table. The current operating costs (as the asset nears the end of its useful life) are included as a guide, noting that this figure also incorporates a part-time staff member inspecting the site on a weekly basis.

Asset Disposal Savings Estimate 10 Year Cycle (Deed of Agreement)		
2026-2036	Operating costs ($10,698 per annum based on FY 25-26 expenditure)	$106,980
2026	Renewal cost (estimated $40-60,000) midpoint estimate	$50,000
Total Estimated Savings 2026-2036		**$156,980**

In 2023, an independent asset valuation of the asset was undertaken. It is noted that the valuation consisted of a desktop valuation that did not include a site visit. The valuer determined fair value to be $20,000.

During the 25/26 financial year the Shire expended $10,698.45 towards the power, service and maintenance of the bore and associated infrastructure at Lot 25921 Kondinin-Hyden Road, Kondinin.

RISK

The risks of retaining the asset include, but are not limited to:

Financial Risk

Ongoing maintenance, repair, and potential replacement costs

Continued depreciation of an underutilised asset

Operational Risk

Responsibility remains with the Shire for upkeep and compliance

The asset may not be efficiently utilised by the Shire

Liability Risk

Exposure to risk associated with asset failure, including safety or environmental impacts. No easement exists and will not be consented to by the landowner.

POLICY

Nil

STATUTORY

Local Government (Functions and General) Regulations 1996

STRATEGIC

Theme

1. COMMUNITY

4. CIVIC LEADERSHIP

Goal

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

4.2 We are a compliant and resourced Local Government

Strategy

1.6.1 We collaboratively plan service delivery and respond to emergency situations (LEMC) 4.2.2 Financial sustainability in achieving community aspirations

COMMENT

The Shire of Kondinin has received an offer from Willachy Pty Ltd to purchase a bore pump, water pipes, water tanks, and associated infrastructure located on Lot 25921, Kondinin Hyden Road, Kondinin. The infrastructure is currently utilised under an existing agreement with Willachy Pty Ltd and
is considered non-

The proposed sale represents an opportunity for the Shire to divest a low-value asset, eliminate ongoing maintenance and liability responsibilities, and to formalise a more appropriate arrangement for continued access to the bore. The disposal value of $5,500 (inclusive of GST) is below the threshold requiring public tender and is therefore compliant with Regulation 30(2) of the *Local Government (Functions and General) Regulations 1996 (WA)*.

be terminated and replaced with a Deed of Agreement, which will secure ongoing access to the bore for water supply purposes.

The proposed transaction is considered to be of low risk and provides both financial and operational benefits to the Shire while maintaining access to a critical water source. The offer is considered to be good value as the asset nears the end of its useful life and will shortly require renewal.

CONSULTATION

Discussions and written correspondence with the landowners of Lot 25921 Kondinin-Hyden Road, Kondinin representing Willachy Pty Ltd.

RESOLUTION OCM/26/012

Moved: Cr Darren Pool

Seconded: Cr Paul Green That

Council:

1. ACCEPTS an offer of $5,500 (inclusive of GST) from Willachy Pty Ltd for the purchase of a Shire-owned bore pump, water pipes, water tanks, and associated infrastructure located on Lot 25921 on Deposited Plan 160038, Kondinin Hyden Road, Kondinin.
2. APPROVES the disposal of Shire of Kondinin asset No. 12013, comprising the bore pump, water pipes, water tanks, and associated infrastructure.
3. NOTES that the disposal is exempt from section 3.58 of the Local Government Act 1995 under regulation 30(3)(a) of the Local Government (Functions and General) Regulations 1996, provided the current market value of the assets (described hereunder) is less than $20,000.
4. APPROVES and AUTHORISES the Chief Executive Officer to terminate the Agreement dated 25 October 2022 between the Shire of Kondinin and Willachy Pty Ltd for the use of the bore pump and associated infrastructure by the Shire.
5. APPROVES and AUTHORISES the Chief Executive Officer to enter into a Deed of Agreement between the Shire of Kondinin and Willachy Pty Ltd to permit the Shire ongoing access to, and use of, the bore for the purpose of supplying water to support Shire operations.

LOST 0/7

For: Nil

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

Cr Green - 12.2.3 asset sale.
We cannot just sell this asset without the general public having an opportunity to comment or bid? I acknowledge section 3.58 quoted exemption but as members we have had the term reputational risk threatened to us on a number of different issues. But this little bit of the SOK assets disposed of this way will be well viewed as cronyism and potentially corruption if dealt with as is. I do though recognise the admins effort to get this off the shire books and tidy up past resolutions.

Chief Executive Officer B. Wright Answer: Agreed. It is suggested Council support the sale in principle and require local public notice under section 3.58(3) of the Local Government Act 1995. The notice would describe the property, the buyer, the price and the market value, and invite submissions for at least two weeks. Any submissions would be reported back to Council before a final decision. An updated valuation will be obtained for the notice.

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

FILE NUMBER:	DL.1 / DP.1
DATE:	9 September 2026
AUTHOR:	Tory Young, Manager Planning & Assets
AUTHORISED OFFICER:	Bruce Wright, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author - Nil Authoriser - Nil
ATTACHMENTS:	1. Map Showing Proposed Area to Convert to Freehold - *Under Separate Cover* 2. Shire of Kondinin Local Planning Scheme No.1 - Map 1 - *Under Separate Cover*

RECOMMENDATION

That Council

1. ACCEPTS IN PRINCIPLE the offer from the Department of Planning, Lands and Heritage to transfer to the Shire of Kondinin, for a purchase price of $20,000 including GST, approximately 2,236 m² of Lot 300 on Deposited Plan 59344, being the portion of Reserve 49449 shown on the attached plan and proposed to be excised and transferred to the Shire in freehold
2. APPROVES IN PRINCIPLE expenditure of up to $10,000 for surveying, deposited plan preparation, document preparation, registration and other reasonable costs directly associated with the excision and transfer of the land;
3. ENDORSES the inclusion of a

   including GST; and surveying, deposited plan preparation, document preparation, registration and other directly associated acquisition costs of up to $10,000;
4. AUTHORISES the Chief Executive Officer to advise the Department of Planning, Lands and

   -principle acceptance of the offer, subject to the required expenditure
5. AUTHORISES the Chief Executive Officer following adoption of the 2026/27 Annual Budget with the provision specified in Item 4, to: accept the offer on behalf of the Shire; appoint a licensed surveyor to undertake the survey and deposited plan work required to facilitate the excision; approve payment of the purchase price of $20,000 including GST; approve payment of the directly associated acquisition costs within the total budget provision of $30,000; execute all documentation necessary to facilitate the excision and transfer of the land to the Shire in freehold; and undertake all other administrative actions necessary to complete the transaction;
6. NOTES that no payment, unconditional acceptance or other binding financial commitment is to be made until the 2026/27 Annual Budget has been adopted with the required expenditure and Housing Reserve provision;
7. REQUIRES any material variation to the purchase price, land area, conditions of transfer or total acquisition cost exceeding $30,000 to be referred to Council for further consideration; and
8. REQUIRES the matter to be presented to Council for approval of the necessary budget amendment before any expenditure or binding financial commitment is incurred if the required provision is not included in the adopted 2026/27 Annual Budget.

SUMMARY

The purpose of this report is to seek Council in principle approval to purchase approximately 2,236m2 excised portion of Lot 300 on DP 59344 (Reserve 49449) to freehold to facilitate options for future residential development.

VOTING REQUIREMENT

Simple Majority

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 subject of this proposal is zoned Residential R10/25, with the remainder of the Lot zoned Local Scheme Reserve - Public Open Space. The whole of the Reserve has a management order affording

Irrespective of the zoning, the current land tenure and accompanying management order on this Reserve restricts development to recreational use only.

Council at its Ordinary Meeting held on the 12 February 2025 considered this matter relating to the proposed excise of a portion of Crown Reserve 49449 into freehold and resolved as follows:

1) *SUPPORTS the surrender of Management Order for a portion of Reserve 49449 (being Lot 300 on Deposited Plan 49449) while retaining the Management Order for the remaining portion;*
2) *APPROVES the purchase of the excised portion of Reserve 49449 after final approval; and*
3) *AUTHORISES the Chief Executive Officer to submit a Crown Enquiry Form to the Department of Planning, Lands and Heritage seeking consideration of the above.*

The approximate 2,236m2 portion of Lot 300 on DP 59344 as shown in the map attached as Stage 1, has been identified as potential for future residential development both through the housing studies undertaken through RoeROC in 2024/2025, and more recently the draft Local Planning Strategy Town Site Map for Kondinin prepared as part of the shared Local Planning Strategy by the Department of Planning, Lands and Heritage for the RoeROC Shires to inform the preparation of a new Local Planning Scheme also under concurrent preparation. This proposal relates only to the portion of the Reserve zoned R10/25, however the strategic documents referenced above have identified the remaining area of the Reserve on the west side of Repacholi Parade as potential to be converted to freehold for residential development shown as Stage 2 in the map attached.

Recognising this opportunity and adhering to the resolution of Council on 12 February 2025, the

Heritage seeking their consideration in transferring an approximate 2,236m2 portion of Lot 300 on DP 59344 aligning with the R10/25 zoning of this parcel of land from the Crown to the Shire of Kondinin as

Planning Lands and H
$20,000 (incl GST) to proceed with the proposal.

FINANCIAL

The purchasing price offered by the Department of Planning, Lands and Heritage for approximately 2,236m2 excised portion of Lot 300 on DP 59344 (Reserve 49449) is $20,000 (inclusive GST) based on current unimproved market value assessed by Landgate Valuation Services. If the Council were to

Fund being included in the 2026/207 budget comprising $20,000 for the purchase of the land and $10,000 for associated administrative fees relating to the transfer and the preparation of deposited plans.

RISK

This proposal brings relatively low risk to the Shire. The land proposed to be purchased for freehold is already zoned for residential development and has constructed road frontage and access to utilities. Moreover, given

the parcel of land has been identified in strategic documents prepared by the State government to be converted to freehold it is envisaged that this will assist to facilitate in any proposed portion of the lot to residential in a separate second stage.

POLICY

Nil

STATUTORY

Land Administration Act 1997

Land Administration Regulations 1998

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.2 We are a compliant and resourced Local Government

Strategy

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

COMMENT

With the work currently being undertaken in the preparation of a Local Planning Strategy, the purchase of this portion of land adheres closely to the direction of the State Government in creating opportunities for residential development within existing town sites. Moreover, converting this portion of land to freehold ensures access to incentives and grant programs currently being offered through State and Federal Government for residential development. Subject to final survey drawings under the R10/25 zoning of the subject land the site area proposed to be excised of 2,236m2 has the potential requiring the appropriate servicing of the properties.

In the longer term, should Council wish to pursue converting the remaining 9,623m2 section of Reserve 49449 on the western / northern side of Repacholi Parade marked as Stage 2 on the map

Planning Scheme No.1 and other relevant provisions and service access requirements.

In light of the above, it is recommended that Council support proceeding in the purchase of 2,236m2 excised from portion of Reserve 49449 being Lot 300 on DP 59344 as outlined in the Officer Recommendation.

CONSULTATION

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

RESOLUTION OCM/26/013

That Council:

Lays this item on the table until the October 2026 Ordinary Meeting of Council, pending the Chief Executive Officer undertaking further enquiries into alternative funding sources for the proposed purchase of the land identified in the original recommendation.

CARRIED 7/0

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

Against: Nil

12.2.5 Proposed Excision and Freehold Transfer of a Portion of Reserve 23128, Lot 580 on Deposited Plan 69066, Radbourne Drive, Hyden

FILE NUMBER: DL.1 / DP.1

DATE: 9 September 2026

AUTHOR: Tory Young, Manager Planning & Assets

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:
1. Map of Proposed Area to Convert to Freehold on Reserve 23128 - *Under Separate Cover*
2. Shire of Kondinin Scheme Map 3_Hyden Town Site - *Under Separate Cover*

RECOMMENDATION

That Council:

1. SUPPORTS the proposed excision of approximately 1 hectare of Lot 580 on Deposited Plan 69066, being part of Reserve 23128 on Radbourne Drive, Hyden and identified as Stage 1 on the attached plan, for possible transfer to the Shire of Kondinin in freehold to facilitate future residential development;

2. AUTHORISES the Chief Executive Officer to submit a Crown land enquiry to the Department of Planning, Lands and Heritage seeking:

   i. consideration of the proposed excision and transfer of the Stage 1 area to the Shire of Kondinin in freehold; ii. advice on the purchase price and all conditions associated with the proposed transfer;
   iii. advice on the survey, valuation, registration and other administrative requirements and costs associated with the proposed transfer; and
   iv. preliminary advice on the feasibility and requirements for the possible future excision and transfer of the areas identified as Stage 2 and Stage 3 on the attached plan;

3. ENDORSES the identification of approximately 13.04 hectares, shown as Stage 2, and approximately 11.24 hectares, shown as Stage 3, as areas for further strategic planning investigation for possible future residential development;

4. investigation purposes only and does not constitute approval to acquire, subdivide or develop those areas;

5. SUPPORTS the consideration of the Stage 2 and Stage 3 areas through the preparation of the No. 1;

6. NOTES that the Stage 1 area is currently zoned Residential R10/25 under Local Planning Scheme No. 1, while the future development of Stages 2 and 3 will be subject to appropriate zoning, land tenure, environmental, infrastructure, servicing and statutory planning

investigations;

7. NOTES that the transfer of the land to the Shire in freehold may enable the Shire to investigate applicable funding and land development programs;

8. REQUIRES a further report to be presented to Council following receipt of advice from the Department of Planning, Lands and Heritage, detailing:

    I. the proposed purchase price;
    II. the final area and configuration of the land proposed to be excised;
    III. the conditions of transfer;
    IV. the estimated survey, valuation, plan preparation, registration and administrative costs;
    V. the proposed funding source;
    VI. the applicable statutory and budget requirements;
    VII. identified development constraints and risks; and
    VIII. a recommendation on whether the Shire should proceed with the acquisition; and

9. NOTES that no acceptance of an offer, purchase commitment, expenditure or other binding financial obligation is authorised by this resolution.

SUMMARY

transfer to the Shire in freehold of approximately 1 hectare of Lot 580 on Deposited Plan 69066, being part of Reserve 23128 on Radbourne Drive, Hyden. The proposed Stage 1 area is being investigated to facilitate future residential development west of the Hyden townsite.

VOTING REQUIREMENT

Simple Majority

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

This matter was presented to Council at its Ordinary Meeting held in February 2026 where Council resolved that the Chief Executive Officer prepare a proposal and associated documentation to apply the Crown and/or the Local Government Authority within the Shire of Kondinin.

Over the ensuing months the Reporting Officer has held various discussions with the Department of Planning, Lands and Heritage; Development WA and the Wheatbelt Development Commission to mark out the best way forward to apply for this Program.

The three key items to be completed to progress the matter are outlined below. It is recommended that a staged process be undertaken, enabling the 10,000m2 area of land that is already zoned

rezoning of the remaining section of the Crown Reserve to be excised be progressed concurrent with the completion of the Local Planning Strategy and amendments to the Local Planning Scheme No.1.

ITEM	ACTION	STATUS
Convert portion of crown land on Reserve 23128 / Lot 580 on DP 69066 into freehold tenure to the Shire of Kondinin	Prepare resolution of Council to commence process. Submission of Crown Enquiry Form to Department of Planning, Lands and Heritage.	Matter tabled for Ordinary Meeting of Council dated 23 September 2026
Rezoning of land under the	Include proposed zoning amendments and areas of land release in Local Planning Strategy. Incorporate amended zoning to facilitate residential development as prescribed in the Local Planning Strategy into Proposed new Local Planning Scheme No.2.	Local Planning Strategy is near completion and proposed to be advertised and endorsed by Council within next 6 months. DPLH have commenced the preparation of a new Local Planning Scheme for the Shire of Kondinin to capture the strategic direction provided in the Local Planning Strategy that is scheduled to be advertised and endorsed by early 2027. The new Local Planning Scheme cannot be advertised or endorsed until the Local Planning Strategy has been finalised, however the preparatory work can commence to expediate the process.
Prepare a Business Case and associated documentation and Regional Development Assistance Program.	Shire Administration to prepare Business Case and associated supporting documentation in preparation for submission.	Shire Administration currently compiling documentation.

FINANCIAL

No purchase price or final estimate of the costs associated with the proposed excision and transfer has been provided at this stage.

Following submission of a Crown land enquiry, the Department of Planning, Lands and Heritage is expected to advise the Shire of the applicable land valuation, transfer conditions and administrative requirements.

Costs may include valuation, surveying, deposited plan preparation, document preparation, registration and other costs directly associated with the proposed transfer.

No expenditure or binding financial commitment is authorised by the recommendation. A further report will be presented to Council once the purchase price, associated costs, conditions of transfer and proposed funding source are known.

RISK

Adhering to guidance and the processes informed by the relevant state agencies and relevant legislation should ensure that the risks to the Shire are minimal to progress this matter.

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

This proposal provides a formal process to address the chronic shortage of land for housing development in Hyden, whilst complementing the work currently being undertaken in the preparation residential development.

CONSULTATION

survey Council have illustrated a strong emphasis on Council addressing housing and land shortages particularly for residential development in Hyden. This proposal provides a formal process to address these concerns.

RESOLUTION OCM/26/014 Moved:

Cr Bruce Browning

Seconded: Cr Darren Pool That

Council:

1. SUPPORTS the proposed excision of approximately 1 hectare of Lot 580 on Deposited Plan 69066, being part of Reserve 23128 on Radbourne Drive, Hyden and identified as Stage 1 on the attached plan, for possible transfer to the Shire of Kondinin in freehold to facilitate future residential development;

2. AUTHORISES the Chief Executive Officer to submit a Crown land enquiry to the Department of Planning, Lands and Heritage seeking:

   i. consideration of the proposed excision and transfer of the Stage 1 area to the Shire of Kondinin in freehold; ii. advice on the purchase price and all conditions associated with the proposed transfer; iii. advice on the survey, valuation, registration and other administrative requirements and costs associated with the proposed transfer; and
   iv. preliminary advice on the feasibility and requirements for the possible future excision and transfer of the areas identified as Stage 2 and Stage 3 on the attached plan;

3. ENDORSES the identification of approximately 13.04 hectares, shown as Stage 2, and approximately 11.24 hectares, shown as Stage 3, as areas for further strategic planning investigation for possible future residential development;

4. purposes only and does not constitute approval to acquire, subdivide or develop those areas;

5. SUPPORTS the consideration of the Stage 2 and Stage 3 areas through the preparation of the No. 1;

6. NOTES that the Stage 1 area is currently zoned Residential R10/25 under Local Planning Scheme No. 1, while the future development of Stages 2 and 3 will be subject to appropriate zoning, land tenure, environmental, infrastructure, servicing and statutory planning investigations;

7. NOTES that the transfer of the land to the Shire in freehold may enable the Shire to investigate applicable funding and land development programs;

8. REQUIRES a further report to be presented to Council following receipt of advice from the Department of Planning, Lands and Heritage, detailing:

   I. the proposed purchase price;
   II. the final area and configuration of the land proposed to be excised;
   III. the conditions of transfer;
   IV. the estimated survey, valuation, plan preparation, registration and administrative costs;
   V. the proposed funding source;
   VI. the applicable statutory and budget requirements;
   VII. identified development constraints and risks; and
   VIII. a recommendation on whether the Shire should proceed with the acquisition; and

9. NOTES that no acceptance of an offer, purchase commitment, expenditure or other binding financial obligation is authorised by this resolution.

CARRIED 7/0

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

Against: Nil

12.2.6 Proposed Unhosted Short Term Rental Accommodation at Lot 27404 on DP 207174 Karlgarin Hill Road North, Karlgarin

FILE NUMBER: Property File - Lot 27404

DATE: 11 September 2026

AUTHOR: Tory Young, Manager Planning & Assets

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS: 1. Location Plan - Lot 27404 Karlgarin Hill Road North, Karlgarin - *Under Separate Cover*

RECOMMENDATION

That Council:

1. ACCEPTS that the application reference 03/20262027 is appropriate for consideration as a

   -

   compatible with the objectives of a Rural Zone in accordance with clause 18 (4) (a) of the Shire of Kondinin Local Planning Scheme No.1; and

2. APPROVES the application (03/20262027) for the proposed un-hosted short-term rental accommodation to operate at Lot 27404 on DP 207174 Karlgarin Hill Road North, Karlgarin, subject to the following conditions and advice notes:

   CONDITIONS

   1. An Emergency Response Plan comprising a Bushfire Emergency Evacuation Plan shall be prepared and displayed within the un-hosted short-term rental accommodation at all times;
   2. A manager or a contactable employee of the manager that permanently resides no greater than one (1) hour drive from the property shall be nominated for the unhosted short-term rental accommodation and this person shall attend to any call out within 1 (one) hour of a reported incident;
   3. The 24-hour contact details of the manager of the un-hosted short-term rental accommodation shall be made visible on the property;
   4. The short-stay use of the property shall not be occupied by more than eight (8) guests at any one time;
   5. The un-hosted short stay rental accommodation must be registered with the State
   6. Should the un-hosted short stay rental accommodation be entered on the STRA Register as occupying six (6) guests or more at any one time, it must be registered with the Shire of Kondinin as a Lodging House before operation;
   7. commencement of use and shall be made available to all guests displayed within a prominent position within the un-hosted short-term rental accommodation; and
   8. A minimum of two nights is required per booking.

ADVICE NOTES

1. The un-hosted short term rental accommodation is required to be entered on the Short-Term Rental Accommodation (STRA) Register prior to the rental commencing;
2. Any sign proposed to advertise the Un-hosted Short Term Rental Accommodation shall
3. Compliance with relevant provisions of the *Health (Miscelleous Provisions) Act 1911* and

   health;
4. The provision of hard-wired battery backup smoke alarms installed in compliance with the Building Regulations (r.59), the Building Code of Australia and AS3786
5. The development shall be substantially commenced within two (2) years from the date of this approval. If the development is not substantially commenced within this period, the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further planning approval of the Shire of Kondinin having first being sought and obtained;
6. Should the applicant be aggrieved by this decision, or any condition imposed there is a Right to Review under the Planning and Development Act 2005. An Application for Review must be submitted in accordance with the Planning and Development Act 2005 within 28 days of the date of decision to the State Administrative Tribunal.

SUMMARY

This report recommends that Council support the application to operate an un-hosted short-term rental accommodation at the existing farmhouse at Lot 27404 Karlgarin Hill Road North, Karlgarin, subject to the recommended conditions and advice notes.

VOTING REQUIREMENT

Simple Majority

Executive

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

BACKGROUND

A development application has been received for an Un-Hosted Short Term Rental Accommodation to operate from the existing dwelling at Lot 27404 Karlgarin Hill Road North, Karlgarin. The Application included the submission of a Management Plan which providing a comprehensive overview on how the accommodation would operate illustrating a commitment to ensuring the safety of guests and mitigating risks to surrounding property owners and occupiers.

As part of a whole of State Government approach to the management of short-term rentals, as of the 1 January 2025 all Western Australia Short Term Rental Accommodation (STRA) are to be registered with the State Government to operate. To complement this, the *Planning and Development (Local Planning Schemes) Regulations 2015* were amended to include new definitions for short term accommodation to be followed by all local governments and to supersede definitions in existing local planning schemes. The Shire of Kondinin have yet to amend its Local Planning Scheme to address these

-hosted short term

Assessment

Shire of Kondinin Local Planning Scheme No.1

-

To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities

To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment

To allow for facilities for tourists and travellers, and for recreation uses.

-hosted short term rental

accordance with clause 18 (4) (a) of the Shire of Kondinin Local Planning Scheme No.1.

The recommended conditions and advice notes included in the Officer Recommendation will ensure that the proposed un-hosted short stay rental accommodation is suitably managed and limit any impact on surrounding property owners/occupiers and the rural amenity.

FINANCIAL

RISK

Should development be granted, the conditions and advice notes recommended will ensure mitigation of any risk on the operation of the un-hosted short term rental accommodation at the proposed location.

POLICY

Position Statement: Planning for Tourism and Short Term Rental Accommodation (WAPC 2024)

STATUTORY

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Planning Bulletin 115/2024 Short Term Rental Accommodation (STRA) Guidance for Local Government

STRATEGIC

Theme

2. ECONOMY

4. CIVIC LEADERSHIP

Goal

2.1 Support the diverse industry across the Shire

4.2 We are a compliant and resourced Local Government

Strategy

2.1.3 Coordinated communication and promotion of business, employment and lifestyle opportunities occurs

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

COMMENT

The Reporting Officer considers that the un-hosted short term rental accommodation aligns with the

continuation of broad acre farming on the lot, whilst also bringing additional benefit to the district. The Applicant has demonstrated due diligence in ensuring that the accommodation will be suitably managed in its location and will pose limited impact on the surrounding locality. It is therefore recommended that Council support the application to operate an un-hosted short-term rental accommodation at the existing farmhouse at Lot 27404 Karlgarin Hill Road North, Karlgarin, subject to the recommended conditions and advice notes.

CONSULTATION

The proposal was advertised for public comment, closing on the 16 September 2026. No submissions were received during the advertising period.

RESOLUTION OCM/26/015

Moved: Cr Toni Smeed

Seconded: Cr Murray James That

Council:

1. ACCEPTS that the application reference 03/20262027 is appropriate for consideration as a

   -

   compatible with the objectives of a Rural Zone in accordance with clause 18 (4) (a) of the Shire of Kondinin Local Planning Scheme No.1; and

2. APPROVES the application (03/20262027) for the proposed un-hosted short-term rental accommodation to operate at Lot 27404 on DP 207174 Karlgarin Hill Road North, Karlgarin, subject to the following conditions and advice notes:

   CONDITIONS

   1. An Emergency Response Plan comprising a Bushfire Emergency Evacuation Plan shall be prepared and displayed within the un-hosted short-term rental accommodation at all times;
   2. A manager or a contactable employee of the manager that permanently resides no greater than one (1) hour drive from the property shall be nominated for the un-hosted short-term rental accommodation and this person shall attend to any call out within 1 (one) hour of a reported incident;
   3. The 24-hour contact details of the manager of the un-hosted short-term rental accommodation shall be made visible on the property;
   4. The short-stay use of the property shall not be occupied by more than eight (8) guests at any one time;
   5. The un-hosted short stay rental accommodation must be registered with the State
   6. Should the un-hosted short stay rental accommodation be entered on the STRA Register as occupying six (6) guests or more at any one time, it must be registered with the Shire of Kondinin as a Lodging House before operation;
   7. commencement of use and shall be made available to all guests displayed within a

prominent position within the un-hosted short-term rental accommodation; and

8. A minimum of two nights is required per booking. ADVICE

NOTES

1. The un-hosted short term rental accommodation is required to be entered on the Short-Term Rental Accommodation (STRA) Register prior to the rental commencing;
2. Any sign proposed to advertise the Un-hosted Short Term Rental Accommodation shall comply
3. Compliance with relevant provisions of the *Health (Miscelleous Provisions) Act 1911* and

   health;
4. The provision of hard-wired battery backup smoke alarms installed in compliance with the Building Regulations (r.59), the Building Code of Australia and AS3786
5. The development shall be substantially commenced within two (2) years from the date of this approval. If the development is not substantially commenced within this period, the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further planning approval of the Shire of Kondinin having first being sought and obtained;
6. Should the applicant be aggrieved by this decision, or any condition imposed there is a Right to Review under the Planning and Development Act 2005. An Application for Review must be submitted in accordance with the Planning and Development Act 2005 within 28 days of the date of decision to the State Administrative Tribunal.

CARRIED 7/0

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

Against: Nil

Cr Beverley Gangell declared an impartiality interest in item 12.2.7 - Karlgarin Bowling Club - Community Lease and left the meeting at 3:44 pm.

12.2.7 Karlgarin Bowling Club - Community Lease

FILE NUMBER: AA 3.5

DATE: 12 September 2026

AUTHOR: Tory Young, Manager Planning & Assets

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - NIL

ATTACHMENTS:

1. Karlgarin Bowling Club Lease for Reserve 31640 - *Under Separate Cover*
2. Reserve Report - 31640 - *Under Separate Cover*
3. Management Order Reserve 31640 - *Under Separate Cover*

RECOMMENDATION

That Council:

1. Notes that the proposed lease to the Karlgarin Bowling Club Incorporated constitutes a disposal of property for the purposes of section 3.58 of the Local Government Act 1995;
2. Determines that the proposed lease is an exempt disposition under regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996, as the Karlgarin Bowling Club Incorporated is a body with sporting and recreational objects whose members are not
3. occupation, its contribution to the redevelopment, the purpose-specific nature of the facility, the absence of competing interest and the continuing community benefit provided by the Club;
4. Approves, subject to the prior written approval of the Minister for Lands and any conditions imposed by the Minister, the lease between the Shire of Kondinin, as lessor, and Karlgarin Bowling Club Incorporated, association number A1012210M and ABN 69 401 601 693, as lessee, over the bowling clubhouse, bowling greens and associated surrounds on Reserve 31640, comprising Lot 20, Lot 19 and Lot 21 on Deposited Plan 205013, Federal Street, Karlgarin, for a term of ten (10) years together with an option of a further ten (10) years, at an annual rent of $1.00, exclusive of GST;
5. Authorises the Chief Executive Officer to seek any approval required from the Minister for Lands under section 18 of the Land Administration Act 1997;
6. Authorises the Chief Executive Officer to make minor amendments required for ministerial approval or registration, provided they do not materially alter the lease term, area, permitted use, financial obligations or allocation of risk and responsibility;
7. Requires any material amendment arising from the ministerial approval process to be reported to Council before execution;
8. Authorises the Shire President and Chief Executive Officer, following receipt of ministerial approval and satisfaction of any conditions, to execute the lease under the Common Seal in accordance with section 9.49A of the Local Government Act 1995; and
9. Notes that the executed lease will be lodged with Landgate for registration against the relevant Crown land title.

SUMMARY

The purpose of this report is to seek Council approval of a community lease between the Shire of Kondinin and the Karlgarin Bowling Club for the bowling clubhouse, bowling greens and associated surrounds located on Reserve 31640, Federal Street, Karlgarin.

allocate responsibility for the operation, maintenance, insurance and management of the facility.

The Karlgarin Bowling Club was the established and uncontested occupant of the facility prior to its redevelopment. The Club has longstanding links to the site and actively contributed to securing support and funding for the replacement clubhouse.

occupation is consistent with that purpose. The facility supports sporting participation, recreation, health, wellbeing and community connection within Karlgarin and the surrounding district.

VOTING REQUIREMENT

Simple Majority

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

Following land transactions undertaken in 2024 involving the Karlgarin Country Club, the Shire of Kondinin and the State of Western Australia, Crown Reserve 31640 was enlarged from approximately 0.1012 hectares to 0.3036 hectares.

The reserve now comprises Lot 20, Lot 19 and Lot 21 on Deposited Plan 205013, Federal Street,

Shire under a management order providing the power to lease for terms not exceeding 21 years, subject to the conditions of the order and the Land Administration Act 1997.

Following completion of the land transactions, plans were approved and a building permit issued for the construction of a replacement bowling clubhouse. Construction was completed in late 2025 with funding and support from the Shire of Kondinin, the Karlgarin Progress Association and the Karlgarin Bowling Club.

The Club was the established occupant and user of the facility before redevelopment. Following completion of the new building, discussions were held between the Shire Administration and the Club to establish appropriate long-term management arrangements.

clearly documenting the responsibilities of both parties.

FINANCIAL

The proposed lease prescribes the respective financial responsibilities of the Shire of Kondinin and the Karlgarin Bowling Club in relation to the management, operation and maintenance of the facility and surrounding area.

In summary, the Shire will be responsible for:

- building maintenance;
- building insurance; and
- utilities supplied to the premises.

The Karlgarin Bowling Club will be responsible for:

- cleaning;
- the day-to-day operation and management of the facility and surrounds;
-
-

The allocation of these responsibilities will provide greater certainty to both parties and assist the Shire in identifying and managing its ongoing financial commitments relating to the facility.

The proposed lease is for an initial term of ten years, together with an option for a further ten years, at an annual rent of $1.00, exclusive of GST. The total potential lease term of 20 years is within the maximum 21-year term permitted under the management order.

RISK

operational and asset management risks by clearly establishing the permitted use of the premises; the respective maintenance obligations of the parties; responsibility for utilities and operating costs; insurance requirements; responsibility for the day-to-day management of the facility and surrounds; the conditions applying to alterations and improvements; default and termination provisions; and the responsibilities at the expiry or earlier termination of the lease.

uncertainty or dispute regarding maintenance, insurance, financial obligations, access, improvements and responsibility for the management of the facility.

Ministerial approval under section 18 of the Land Administration Act 1997 and subsequent registration of the lease with Landgate will further formalise the legal arrangement.

The residual risks are considered manageable through the terms of the lease, appropriate insurance arrangements and ongoing administration of the lease by the Shire.

POLICY

The Shire of Kondinin Community Leasing Policy applies to the proposed lease.

The policy ordinarily requires an expression of interest process before a community lease is granted. However, an exemption from that requirement is considered appropriate in this instance because:

- the Karlgarin Bowling Club is the longstanding and uncontested occupant of the premises;
- the Club occupied and used the facility before its redevelopment;
- the Club contributed to securing support and funding for the replacement clubhouse; the facility has been developed specifically for bowling and associated recreational and community purposes;
-
- there is no known competing interest in occupying the premises; and
-

Requiring an expression of interest process in these circumstances is unlikely to identify a more appropriate occupant and may create unnecessary administrative delay and uncertainty.

Council is therefore requested to approve an exemption from the expression of interest requirement of the Community Leasing Policy.

STATUTORY

The following legislation is relevant to the proposed lease:

Local Government Act 1995;

Local Government (Functions and General) Regulations 1996;

Land Administration Act 1997;

Land Administration Regulations 1998; and Transfer of

Land Act 1893.

The granting of a lease is a disposal of property for the purposes of section 3.58 of the Local Government Act 1995.

Karlgarin Bowling Club Incorporated is an incorporated association registered in Western Australia under the Associations Incorporation Act 2015. The Club was incorporated on 3 June 2005 under association number A1012210M and holds Australian Business Number 69 401 601 693.

Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 provides an exemption from the requirements of section 3.58 where land is disposed of to a body, whether incorporated or not, with charitable, benevolent, religious, cultural, educational, recreational,

Reserve 31640 is Crown land managed by the Shire under a management order. The management order includes the power to lease for a term not exceeding 21 years. The proposed lease is subject to the conditions of the management order and the prior written approval of the Minister for Lands under section 18 of the Land Administration Act 1997.

The lease must not be executed or commence until the required ministerial approval has been obtained and any conditions imposed as part of that approval have been satisfied.

Following execution, the lease will be lodged with Landgate for registration against the relevant Crown land title.

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.2 We are a compliant and resourced Local Government

Strategy

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

COMMENT

The Shire Administration has collaborated with the Karlgarin Bowling Club to develop appropriate long-term arrangements for the occupation, operation and management of the bowling clubhouse, bowling greens and associated surrounds.

responsibilities of each party in relation to use, maintenance, insurance, utilities, operating costs and day-to-day management.

The proposed use is consistent with the designated purpose of Reserve 31640 and supports the continued provision of sporting, recreational and community activities within Karlgarin and the surrounding district.

-specific nature of the facility, the absence of any known competing interest and the continuing community benefit provided by the Club Leasing Policy.

The proposed lease is considered suitable for Council approval, subject to obtaining the prior written approval of the Minister for Lands and satisfying any conditions imposed through that approval process.

Authorising the Chief Executive Officer to make minor amendments required for ministerial approval or registration will allow the matter to be progressed efficiently. This authority is appropriately limited so that any amendment materially altering the lease term, leased area, permitted use, financial obligations or allocation of risk and responsibility must be referred back to Council before execution.

will be lodged with Landgate for registration against the relevant Crown land title.

CONSULTATION

Shire Administration

The Executive of the Karlgarin Bowling Club.

RESOLUTION OCM/26/016

Moved: Cr Toni Smeed

Seconded: Cr Murray James That

Council:

1. Notes that the proposed lease to the Karlgarin Bowling Club Incorporated constitutes a disposal of property for the purposes of section 3.58 of the Local Government Act 1995;
2. Determines that the proposed lease is an exempt disposition under regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996, as the Karlgarin Bowling Club Incorporated is a body with sporting and recreational objects whose members are not entitled
3. contribution to the redevelopment, the purpose-specific nature of the facility, the absence of competing interest and the continuing community benefit provided by the Club;

4. Approves, subject to the prior written approval of the Minister for Lands and any conditions imposed by the Minister, the lease between the Shire of Kondinin, as lessor, and Karlgarin Bowling Club Incorporated, association number A1012210M and ABN 69 401 601 693, as lessee, over the bowling clubhouse, bowling greens and associated surrounds on Reserve 31640, comprising Lot 20, Lot 19 and Lot 21 on Deposited Plan 205013, Federal Street, Karlgarin, for a term of ten (10) years together with an option of a further ten (10) years, at an annual rent of $1.00, exclusive of GST;
5. Authorises the Chief Executive Officer to seek any approval required from the Minister for Lands under section 18 of the Land Administration Act 1997;
6. Authorises the Chief Executive Officer to make minor amendments required for ministerial approval or registration, provided they do not materially alter the lease term, area, permitted use, financial obligations or allocation of risk and responsibility;
7. Requires any material amendment arising from the ministerial approval process to be reported to Council before execution;
8. Authorises the Shire President and Chief Executive Officer, following receipt of ministerial approval and satisfaction of any conditions, to execute the lease under the Common Seal in accordance with section 9.49A of the Local Government Act 1995; and
9. Notes that the executed lease will be lodged with Landgate for registration against the relevant Crown land title.

CARRIED 7/0

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

Against: Nil

12.2.8 Consideration of Transfer Deed for Access Licence at Hyden Workers Camp (Lot 192 Hyden-Mt Walker Road, Hyden)

FILE NUMBER: AA 3.5 / Property File Lot 192

DATE: 12 September 2026

AUTHOR: Tory Young, Manager Planning & Assets

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:
1. Existing Licence Between Shire of Kondinin (Licensor) and Electricity Generation and Retail Corporation (trading as Synergy). - *Under Separate Cover*
2. Transfer Deed (with Deed of Covenant) for Access Licence - *Under Separate Cover*

RECOMMENDATION

That Council:

1. Approves the Transfer Deed, including the Deed of Covenant, attached to this report, transferring the interest of the Electricity Generation and Retail Corporation, trading as Synergy, as the existing licensee under the Access Licence relating to parts of Clayton Street and Hyden-Mt Walker Road, Hyden, to Kondinin Energy Pty Ltd as the new licensee.
2. the Shire President and Chief Executive Officer in accordance with section 9.49A of the Local Government Act 1995.
3. Requires the Transfer Deed to provide that the transfer will not take effect unless and until development approval has been granted for the use of the Hyden Workforce Accommodation at Lot 192 Hyden-Mt Walker Road, Hyden, by the construction workforce associated with the Kondinin Wind and Solar Farm.
4. Authorises the Chief Executive Officer to make minor administrative amendments to the Transfer Deed that do not materially alter the rights or obligations of the Shire.

SUMMARY

This report is to seek Council approval via a Common Seal by Order of Council to transfer the existing Access Licence between the Shire of Kondinin (Licensor) and Existing Licensee (Electrical Generation and Retail Corporation (trading as Synergy) for access to parts of Clayton Street and Hyden-Mt Walker Road to between the Shire of Kondinin (Licensor) and the New Licensee (Kondinin Energy Pty Ltd).

VOTING REQUIREMENT

Simple Majority

Executive

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

BACKGROUND

Council at its Ordinary Meeting held on the 18 December 2024 endorsed an Access Licence between the Shire of Kondinin and the Electricity Generation and Retail Corporation (trading as Synergy) for access to parts of Clayton Street and Hyden-Mt Walker Road to be adopted and signed with a Common Seal by Order of Council. A copy of the access licence is shown as an attachment to this report.

A development application has recently been received to amend the existing development approval for the Workforce Accommodation facility at Lot 192 Mt Walker Road, Hyden to transition from the construction workforce associated with the King Rocks Wind Farm to the construction workforce for the proposed Kondinin Wind and Solar Farm. This amendment to the development application is currently being advertised for public comment closing on 2 October 2026 scheduled to be presented to the Ordinary Meeting of Council scheduled for the 21 October 2026 for determination.

As part of this transition process, the proponents of both wind farm developments have approached the Shire in relation to the preparation of the subject Transfer Deed (With Deed of Covenant) to transfer the licensee from Electricity Generation and Retail Corporation (trading as Synergy) to Kondinin Energy Pty Ltd.

FINANCIAL

Nil

RISK

The proposed Transfer Deed (With Deed of Covenant) provides the legal framework to ensure that the Access Licence is suitably transferred from the existing licensee Electrical Generation and Retail Corporation (trading as Synergy) to the new license Kondinin Energy Pty Ltd, effectively minimising any risk to the Shire of Kondinin as the Licensor.

POLICY

Nil

STATUTORY

Local Government Act 1995

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.2 We are a compliant and resourced Local Government

Strategy

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

COMMENT

The proposed Transfer Deed (with Deed of Covenant) is considered a practical approach to transferring the existing Access Licence from Electricity Generation and Retail Corporation (trading as Synergy) to Kondinin Energy Pty Ltd.

This transfer will help ensure both the Shire of Kondinin, as Licensor, and Kondinin Energy Pty Ltd, as the New Licensee, clearly understand the rights and obligations that apply under the licence.

The transfer would only be relevant if the Kondinin Wind and Solar Farm proceeds and its construction workforce occupies the Hyden Workforce Accommodation at Lot 192 Hyden-Mt Walker Road, Hyden.

CONSULTATION

Various meetings and correspondence have been undertaken between the Shire of Kondinin administration and the existing licensee Electricity Generation and Retail Corporation (trading as Synergy) and the new licensee, Kondinin Energy Pty Ltd.

RESOLUTION OCM/26/017

Moved: Cr Toni Smeed

Seconded: Cr Paul Green That

Council:

1. Approves the Transfer Deed, including the Deed of Covenant, attached to this report, transferring the interest of the Electricity Generation and Retail Corporation, trading as Synergy, as the existing licensee under the Access Licence relating to parts of Clayton Street and Hyden-Mt Walker Road, Hyden, to Kondinin Energy Pty Ltd as the new licensee.
2. Shire President and Chief Executive Officer in accordance with section 9.49A of the Local Government Act 1995.
3. Requires the Transfer Deed to provide that the transfer will not take effect unless and until development approval has been granted for the use of the Hyden Workforce Accommodation at Lot 192 Hyden-Mt Walker Road, Hyden, by the construction workforce associated with the Kondinin Wind and Solar Farm.
4. Authorises the Chief Executive Officer to make minor administrative amendments to the Transfer Deed that do not materially alter the rights or obligations of the Shire.

CARRIED 7/0

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

Against: Nil

Cr Gangell requested DEED be updated to Exclusive of GST.

12.2.9 Application to the Active Transport Fund - Construction of Footpath on Repacholi Parade, Kondinin

FILE NUMBER: HRT/G.1 & E.F.1

DATE: 12 September 2026

AUTHOR: Tory Young, Manager Planning & Assets

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Yes. A proximity interest as an occupant of Shire owned housing along the proposed route.

ATTACHMENTS: 1. Proposed Footpath Location Plan - *Under Separate Cover*

At 5:45 pm, Cr Toni Smeed and the CEO left the meeting.

RECOMMENDATION

That Council

1. Active Transport Fund for funding towards the construction of approximately 650 metres of footpath and associated works along Repacholi Parade, Hinck Street and Young Avenue, Kondinin;
2. Endorses the proposed project, with an estimated total cost of $360,000, comprising:
   a) approximately $300,000 for footpath construction, pedestrian ramps, drainage and associated works; and
   b) approximately $60,000 for necessary kerbing and associated enabling works;
3. Endorses, for grant application and forward-planning purposes, a proposed Shire contribution of up to $210,000, comprising:
   a) a $150,000 co-contribution towards the works proposed for funding under the Active Transport Fund; and;
   b) up to $60,000 for associated kerbing and enabling works;
4. Notes that the proposed Shire contribution is subject to:
   a) the grant application being successful;
   b) confirmation of the final project scope and cost estimate; and
   c) Council considering and adopting the required expenditure as part of the 2027/28 Annual Budget; and;
5. Authorises the Chief Executive Officer to make minor amendments to the project scope, cost estimates and grant funding request where required to satisfy the Active Transport Fund guidelines, provided that any proposed Shire contribution exceeding $210,000 is referred back to Council for consideration.

SUMMARY

Active Transport Fund for the construction of approximately 650 metres of footpath along Repacholi Parade, Hinck Street and Young Avenue, Kondinin.

The proposed route serves a residential area that currently has no formal pedestrian infrastructure. Residents, including families with children, pedestrians using mobility aids, people pushing prams and people cycling, with must currently travel on the road carriageway or across unformed verges.

The project would provide a continuous and physically separated route through the western residential area and improve pedestrian access towards the Kondinin town centre, school and community facilities. It would reduce interaction between vehicles and vulnerable road users, support walking and cycling for short local trips and contribute to a safer and more liveable community.

The project is estimated to cost $360,000, including approximately $60,000 for kerbing and associated enabling works. Funding of $150,000 is proposed to be sought from the Active Transport Fund, leaving a potential Shire contribution of up to $210,000.

Applications for the current funding round close at 5.00 pm AEST on 30 September 2026

VOTING REQUIREMENT

Simple Majority

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 Active Transport Fund is an ongoing, application-based and merit-assessed Australian Government program available to state, territory and local governments. It provides funding for the construction of new, and upgrading of existing, bicycle and walking pathways associated with public roads.

The program has three objectives: improving road safety and reducing road trauma for active transport users; reducing transport emissions by supporting walking and cycling as efficient and sustainable forms of transport; and creating active and liveable communities by connecting people with places where they live, work and learn.

In the 2026/27 Australian Government Budget, ongoing funding of $50 million per year was committed to the program. Local government authorities are eligible to apply and all projects require a financial co-contribution. The Australian Government may contribute more than 50 per cent for a regional or remote local government where a strong justification is provided.

Over the past eight years, the Shire has used funding from the Western Australian Bicycle Network Grants Program and the Local Roads and Community Infrastructure Program to support the

Hyden: McPherson Street, Marshall Street, Hyden-Lake King Road, Wave Rock Road, Radbourne Drive and the internal pathway on Reserve 33998 west of the Community Resource Centre;

Karlgarin: Melba Street; and

Kondinin: Jones Street, Rankin Street and Graham Street.

The Shire also has two Western Australian Bicycle Network-funded projects in progress, comprising the replacement and construction of the footpath between the Hyden Community Resource Centre and Radbourne Drive; and footpath works along Gordon Street and Graham Street, Kondinin.

A needs-based assessment has identified the western residential area of Kondinin as the next priority

organisations.

There are currently no formal footpaths along Repacholi Parade, Hinck Street or Young Avenue. Pedestrians and people cycling must use the road carriageway or traverse unformed verges, resulting in avoidable interaction with vehicles.

The proposed project comprises approximately:

410 metres along Repacholi Parade;

90 metres along Hinck Street; and 150

metres along Young Avenue.

The works would also include pedestrian ramps, drainage treatments, kerbing modifications and other works required to provide a continuous and accessible route.

-term expansion of the Kondinin footpath network, the proposed 650 metre route will be designed and delivered as a discrete, complete and independently functional project. This is important because the program requires funded proposals to be whole and complete projects

FINANCIAL

Component	**Estimated cost**
Footpath, ramps, drainage and associated construction	$300,000
Kerbing and enabling works	$60,000
Total estimated project cost	**$360,000**
Proposed Active Transport Fund contribution	($150,000)
Potential Shire contribution	**$210,000**

The cost estimate is preliminary and will require confirmation through detailed design and quantity estimation before procurement.

The proposed Shire contribution would be considered as part of preparation and adoption of the

Section 6.2 of the Local Government Act 1995 requires the local government to prepare and adopt an annual budget containing its proposed expenditure and revenue. Adoption of the annual budget requires an absolute majority.

If the grant application is unsuccessful, Administration will not proceed with the project unless Council separately approves an alternative funding source.

Any cost overrun would be the responsibility of the Shire unless otherwise agreed by the funding body.

Detailed design, service-location investigations, drainage assessment and an appropriate contingency should therefore be included in the final cost estimate. **RISK**

transport networks that support economic growth. It also supports the ongoing maintenance and

Several young families live on Repacholi Parade, Hinck Street and Young Avenue. Without footpaths along these roads, pedestrians, including children walking or riding bikes to school, visiting friends or accessing public services within the townsite, must share the road with vehicles. This creates a significant safety risk.

Constructing footpaths along these roads would provide a safer route for pedestrians and cyclists and significantly reduce conflict between vehicles and vulnerable road users.

POLICY

Shire of Kondinin Purchasing Policy 005

STATUTORY

Local Government Act 1995

STRATEGIC

Theme

2. ECONOMY

Goal

2.2 Safe and efficient transport network enables economic growth

Strategy

2.2.3 Current footpaths are maintained and expansion across the townsites occurs

COMMENT

The proposal for the construction of a footpath along Repacholi Parade, Hink Street and Young Avenue, Kondinin addresses the criteria of the Active Transport Grant and strongly aligns with the

cyclists and pedestrians, and to contribute to the creation of active and liveable communities. The grant presents a good opportunity to leverage funds from the Federal Government to reduce the costs to the Shire to undertake this much needed capital project.

It is recommended that the project be undertaken and funding be allocated in the 2027 / 2028 and progress

towards the tender stage of the project should the grant be successful.

CONSULTATION

The community survey released by the Shire earlier in 2025 highlighted a strong emphasis on providing safe and accessible footpaths. Several of the comments received related specially to the area proposed for this grant application as outlined in the extracts below.

Kondinin have no option but to use the road as a

residents, the Kondinin Primary School and the Kondinin P&C, all of whom are strongly supportive of this proposal.

RESOLUTION OCM/26/018

Moved: Cr Bruce Browning

Seconded: Cr Murray James

That Council

1. Active Transport Fund for funding towards the construction of approximately 650 metres of footpath and associated works along Repacholi Parade, Hinck Street and Young Avenue, Kondinin;
2. Endorses the proposed project, with an estimated total cost of $360,000, comprising:
   a) approximately $300,000 for footpath construction, pedestrian ramps, drainage and associated works; and
   b) approximately $60,000 for necessary kerbing and associated enabling works;
3. Endorses, for grant application and forward-planning purposes, a proposed Shire contribution of up to $210,000, comprising:
   a) a $150,000 co-contribution towards the works proposed for funding under the Active Transport Fund; and;
   b) up to $60,000 for associated kerbing and enabling works; c) construction
4. Notes that the proposed Shire contribution is subject to:
   a) the grant application being successful;
   b) confirmation of the final project scope and cost estimate; and
   c) Council considering and adopting the required expenditure as part of the 2027/28 Annual Budget; and;
5. Authorises the Chief Executive Officer to make minor amendments to the project scope, cost estimates and grant funding request where required to satisfy the Active Transport Fund guidelines, provided that any proposed Shire contribution exceeding $210,000 is referred back to Council for consideration.

CARRIED 6/0

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

Against: Nil

Abstain: Cr Smeed

Cr Smeed and the CEO returned at 5.53pm.

12.2.10 Community Development Report

FILE NUMBER:

DATE:	10 September 2026
AUTHOR:	Amanda Kemp, Community Development Officer
AUTHORISED OFFICER:	Bruce Wright, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author - Nil
	Authoriser - Nil
ATTACHMENTS:	Nil

UPDATE

Community Health and Wellbeing Plan - The Community Development Officer (CDO) has commenced a review of the Community Health and Wellbeing Plan and is currently working on updating the document to ensure it continues to reflect the needs, priorities, and aspirations of the community.

Community Markets - Planning for upcoming community markets is progressing well.

The upcoming Hyden Markets have received a very positive response, with more than 15 stallholder applications received to date, demonstrating strong community interest and support for the event.

Planning for the Kondinin Markets is also progressing smoothly, with preparations well underway to deliver another successful community event.

Kondinin Bush Trail Revegetation Project - A successful planting session was recently held with students and staff from Kondinin Primary School at the beginning of the new Kondinin Bush Trail as part of ongoing revegetation efforts in the area.

Unfortunately, several hot days following the planting session resulted in the loss of some seedlings. However, the plants that have survived are establishing well and showing positive signs of growth.

A sincere thank you is extended to the students and staff of Kondinin Primary School for their enthusiasm, hard work, and support in helping deliver this important community project. Their contribution has been greatly appreciated and has helped foster a sense of environmental stewardship and community pride.

Kondinin Art Group and Acquisition Prize Anniversary - The Community Development Officer continues to support the Kondinin Art Group with preparations for its upcoming art exhibition celebrating the 20th anniversary of the Kondinin Acquisition Prize.

This significant milestone highlights two decades of artistic achievement and contribution to the cultural life of the community. Councillors may have seen the feature article in the August edition of Ripe Magazine, which showcased this wonderful event and its importance to the local arts community.

The exhibition will be a fitting celebration of the talent, creativity, and dedication of local artists, as well as the volunteers and supporters who have contributed to the success of the Kondinin Acquisition Prize over the past 20 years.

Australia Day Awards and Celebration Breakfast - The grant application seeking funding support for the Australia Day Awards and Celebration Breakfast has been submitted, and planning is continuing for next year's event.

Nominations for the Community Citizenship Awards are now open, and community members are encouraged to nominate individuals who have made an outstanding contribution to the local 12.2.10

community. These awards provide an opportunity to recognise and celebrate the dedication, service and achievements of residents who help make our communities stronger and more connected.

Overall, a range of community development initiatives continue to progress across the Shire, supporting community wellbeing, environmental sustainability, local events, and the arts while encouraging strong community participation and engagement.

The President stated very good report and the Chief Executive Officer reflected on Amanda as the CDO, for her work ethic and high performance in the role.

12.2.10

12.2.11 Development Application - Proposed Community and Tourist Centre at No. 36 (Lot 800) Marshall Street, Hyden

FILE NUMBER:	Property File
DATE:	23 September 2026
AUTHOR:	Tory Young, Manager Planning & Assets
AUTHORISED OFFICER:	Bruce Wright, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author - Authoriser -
APPLICANT:	Site Architecture Studio
OWNER:	Hyden Progress Association
PROPOSAL:	Community and Tourist Centre
LOCATION:	No. 36 (Lot 800) Marshall Street, Hyden
ATTACHMENTS:	1. Architectural Drawings - *Under Separate Cover* 2. Civil Sketch - *Under Separate Cover* 3. Geotechnical Report - *Under Separate Cover* 4. Landscape Plan - *Under Separate Cover* 5. Survey Plan - *Under Separate Cover*

RECOMMENDATION

1. That Council APPROVE application reference (01.2026.2027) for Proposed Community and Tourist Centre at No. 36 (Lot 800) Marshall Street, Hyden in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 18 of the Shire of Kondinin Local Planning Scheme No.1, subject to the following conditions and advice notes; **Conditions**

   (a) The development is to be undertaken in accordance with the approved plans and documents attached to this approval, except where amended by subsequent conditions;

   (b) This decision constitutes planning approval only and is valid for a period of four (4) years from date of approval [insert date]. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;

   (c) Pursuant to Schedule 2, clause 74 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, further detailed plans and associated supporting documentation shall be submitted to the Local Government;

   (d) Prior to construction commencing on-site, a Construction Management Plan shall be submitted to the Local Government for approval. Once approved the Construction Management Plan shall be implemented at all times to the satisfaction of the Local Government during the construction phase;

   (e) Prior to operations commencing on-site, an Operational Management Plan shall be submitted to the Local Government for approval;

   (f) Prior to construction commencing on-site, a Traffic Management Plan including a Traffic Impact Assessment and Car Parking Plan shall be submitted to the Local Government for

approval;

(g) Any handling of food at the facility will need to comply with the *Food Act 2008*, *Food Regulations 2009* and any relevant standards of the Australia New Zealand Food Standards Code. This includes the requirement to notify or register the food business under the *Food Act 2008* with the Shire of Kondinin prior to commencing operating;

(h) All public access areas (dining areas, recreation room, meeting rooms etc. are to comply with the provisions of the *Health (Miscellaneous Provisions) Act 1911,* related to regulations and guidelines and in particular Part V1 Public Buildings;

(i) No signs or hoardings are to be erected in relation to the development without the separate approval of the Local Government;

(j) An application to install an apparatus for the treatment of sewerage in accordance with the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974 (WA) is* required to be submitted to the Shire of Kondinin and approved by the Department of Health prior to the issuing of a building permit for the main building structures on site;

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

(l) Existing on-site wastewater system should be decommissioned in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations* 1974

(m) Wastewater and drinking are to be provided by a licenced service provider. All drinking water provided on site must meet the health-related requirements of the Australian Drinking Water Quality Guidelines 2011;

(n) Where practicable, the existing mature Eucalyptus trees be retained and incorporated into the landscaping of the site;

(o) A formal easement with a right of carriageway over adjacent Lot 2122 is required to enable vehicular access to the loading bay or an alternative agreed form of access approved by the Local Government;

(p) No direct vehicular access shall be permitted to Brookton Highway (Marshall Street) without the prior written approval of Main Roads Western Australia;

(q) Vehicular access to the development, excluding the loading bay, shall be limited to the approved access points from McPherson Street and Coronation Park Access. Appropriate physical barriers, such as bollards or other approved treatments, shall be installed and maintained along the Brookton Highway frontage where necessary to prevent the creation of informal or unauthorised vehicle access points;

(r) Stormwater generated by the development shall be contained and managed on-site and shall not be discharged onto the Main Roads Road Reserve. Stormwater disposal shall be undertaken in accordance with the recommendations of the geotechnical investigation and the requirements of the Shire of Kondinin;

(s) Any damage to Main Roads infrastructure, assets or the road reserve resulting from construction or associated development activities shall be reinstated to the satisfaction of Main Roads Western Australia at the applicant's expense; and

(t) Prior to lodgement of an occupancy permit, an acoustic study of the mechanical services shall be undertaken once the design has been finalised and submitted for approval to the Shire of Kondinin. Mechanical services shall be installed in accordance with an approved acoustic study and maintained thereafter to the satisfaction of the Shire of Kondinin.

Advice Notes

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

i. Internal and external access and movement details, including clearly identified vehicle and pedestrian entry and exit points, and legible internal access routes connecting the car parks, buildings and outdoor spaces;

ii. Amended Geotechnical Report inclusive of development plans submitted with this development application;

(b) This is a development approval only and not a building permit or any approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licences required under any other law and to commence and carry out development in accordance with all relevant laws, including but not limited to a certified building permit application under the Building Act 2011 and relevant supporting documentation and detailed structural design plans;

(c) In relation to the Construction Management Plan, the following information shall be included:

i. The location, width, drainage and surfacing standards for access and egress points to public roads;

ii. Storm water management; iii. Public health considerations (i.e. where relevant air quality, water quality, land and hazard management; workforce health and communities)

iv. The delivery and storage of construction materials and equipment to the site; v. Waste disposal; vi. Water management and water security; vii. Measures to minimize the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;

viii. Details of all temporary land uses, associated built form of structures and the operation and management of those temporary uses including likely timeframes for such uses;

ix. Traffic management and parking arrangements and provision of temporary amenities for contractors and sub-contractors;

x. The extent of earthworks proposed on site, the method of stabilizing those earthworks and any on-going management required to prevent wind or water borne erosion including the extraction of any road making materials from within the site and the rehabilitation of the excavation area/s to a suitable end use;

xi. The management of noise and vibration on the site during the construction period including a proposed methodology and monitoring procedure to be put in place to minimize any impacts;

xii. Dust suppression and stabilization of any soils disturbed or deposited on-site;

xiii. Construction hours; and xiv. Management of cranes used on-site

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

i. Waste disposal; ii.

Storm water management;

iii. Hours of operation for each use within the proposed Community and Tourist Centre; iv. Projected patronage and usage, including estimated daily and weekly user (staff and visitors) numbers for each proposed use within the Community and Tourist Centre.

(e) In relation to the Traffic Management Plan and Car Parking Plan the following information shall be included:

i. A site plan that is to scale that clearly shows the access points for vehicles entering and exiting the site including width and construction material of proposed new accessways and future crossovers into and out of the site;

ii. Anticipated traffic generated by the proposed development iii. Swept path diagrams demonstrating that vehicles can travel and manoeuvre safely and efficiently entering, exiting and within the site;

iv. A site plan that is to scale that clearly shows the location, width and construction materials for all car parks proposed on the site and associated vehicular and pedestrian connections entering and existing the site and accessing the building, including disability access;

v. Anticipated parking demand for each proposed use within the Community and Tourist Centre, supported by justification that adequate parking is available either on-site or in accessible surrounding locations;

vi. Details of any traffic / safety signage / directional signage / lighting; vii. Provisions acknowledging that Main Roads WA will be notified should any activities affect traffic operations of Brookton Highway or located within Main

Roads Road Reserve; viii. Provisions acknowledging that no earthworks will encroach onto Brookton Highway Road Reserve; no stormwater drainage is to be discharged onto the Brookton Highway Road Reserve; and that the landowner / applicant shall make good any damage to existing verge vegetation or Main Roads WA Road Reserve assets resulting from development or construction activities.

SUMMARY

The purpose of this report is to present to Council the development application received for a proposed community and tourist centre at Lot 800 (No. 36) Marshall Street, Hyden for consideration and determination.

VOTING REQUIREMENT

Simple Majority

Quasi-Judicial

The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

BACKGROUND

A development application has been received for the construction of a community and tourist centre on No. 36 (Lot 800) Marshall Street, Hyden. The proposal requires the demolition of all existing buildings on site including the Gallery with frontage to Marshall Street and ancillary outbuildings located within the site to

make way for the development. The building has been designed around the creation of three functional zones around a protected courtyard; a discovery and exhibition wing; a community wind accommodating civic functions; and a shared civic amenities wind containing the multi-purpose design and café with a single shared entry foyer and reception serving all three areas.

No. 36 (Lot 800) Marshall Street, Hyden is a 3,938m² lot with frontage to both Marshall Street, being Brookton Highway, and McPherson Street. The land was originally held as two separate lots before being amalgamated by the current landowners into a single parcel. Its location at the gateway to the Hyden commercial centre gives the site a prominent town-centre presence.

The site is largely vacant or underutilised, apart from the Gallery, known as the Katter Kich Tourist Centre, and remnant concrete slabs from former ancillary sheds. The Gallery occupies a former rural service agency shopfront and was vacant for several years before being established in approximately

Heritage List and is therefore not protected under Shire of Kondinin Local Planning Scheme No. 1.

A small park and shared pathway truncate the south-west corner of the lot. Commercial uses adjoin the site to the north and east, and access to Coronation Park is available from the north-east of the property. Mature remnant trees are located throughout the site. PLANNING ASSESSMENT

Planning Scheme, relevant legislation of the State and State and Local Planning Policies. The relevant matters are outlined and discussed in detail below.

PLANNING FRAMEWORK	
Local Planning Scheme Shire of Kondinin Local Planning Scheme No. 1	Shire of Kondinin Local Planning Scheme No. 1
Local Planning Scheme - Zone	Commercial
Lot Size	3938m2
Existing Land Use	Gallery (Katter Kich Tourist Centre) Unused Ancillary Buildings Remnant Concrete Slabs
Heritage Status	Existing Gallery Building Local Heritage Survey
Bushfire Prone Area	No

Zoning, Land Use Classification and Permissibility *Zoning*

To ensure that town centres remain the principal place for business and administration in the district.

To encourage a high standard of development including buildings, landscaping and car parking.

To make town centres an attractive place to work and to conduct business through the implementation of a townscape improvement plan

Planning Scheme No.1

Land Use Classification and Permissibility

Section 17 (Table 1) of the Scheme prescribes the uses classes and their corresponding permissibility several

land use types as summarised below, however as the development application was submitted

This being the primary use, the development was advertised in accordance with clause 64 of the deemed provisions within the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Community Purpose means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community

its discretion by granting development approval after giving notice in accordance with clause 64 of the Deemed Provisions).

Civic Use means premises used by a government department, an instrumentality of the State or the

Commercial Zone, meaning the use is permitted if it complies with all relevant development standards of the Scheme)

Exhibition Centre means premises used for the display, or display and sale, of materials of an artistic,

Zone, meaning that the use cannot be permitted until the local government has exercised its discretion and granted development approval)

Office means premises used for administration, clerical, technical, professional or similar business complies

with all relevant development standards of the Scheme)

Restaurant/Café means premises primarily uses for the preparation, sale and serving of food and drinks for the consumption on the premises by customers for whom seating is provided, including

Commercial Zone, meaning the use is permitted if it complies with all relevant development standards of the Scheme)

Shop means premises other than a bulky goods showroom, a liquor store large or a liquor store small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including the use is permitted if it complies with all relevant development standards of the Scheme).

Provision in Scheme	**Officer Comment / Compliance**

a) Development in the Commercial Zone shall comply with the requirements of Table 4 and the objectives for that zone as outlined in Part 3	Minimum setbacks for commercial building under Front setback nil to approximately 12m Side (west) - approximately 2m Side (east) 6.2m Rear approximately 20m The setbacks proposed are considered suitable for the scale and nature of the development and compatible with the surrounding land uses.
b) Development in the Commercial Zone shall not exceed two (2) storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the immediate area.	Complies Development is single storey
(c) In considering applications for development approval in the Commercial Zone (including additions and alterations to existing development) the local government shall have regard to the following: (i) the colour and texture of external building materials; (ii) building size, height, bulk, roof pitch; (iii) setback and location of the building on its lot; (iv) architectural style and design details of the building; (v) function of the building; (vi) relationship to surrounding development; and (vii) other characteristics the local government considers relevant	*(i) the colour and texture of external building materials;* The external building materials chosen for the proposed development are compatible with immediate surrounds and the colour and geology of the local landscape. *(ii) building size, height, bulk, roof pitch;* The bulk, height and scale of the proposed development complements and responds to the immediate surrounds and broader townsite. *(iii) setback and location of the building on its lot;* The proposed building layout of three functional zones around a central courtyard with varying setbacks is well positioned within the lot and complements and responds to the immediate surrounds and broader townsite. *(iv) architectural style and design details of the building;* The architectural style and design incorporated into this single storey rammed earth building with three functional zones around a central courtyard responds well to the context of the site and the local landscape. *(v) function of the building;* The building has been designed around the creation of three functional zones around a

	protected courtyard; a discovery and exhibition wing; a community wind accommodating civic functions; and a shared civic amenities wind containing the multi-purpose design and café. A single shared entry foyer and reception serving all three areas heightening the efficient function of the building. *(vi) relationship to surrounding development;* The positioning of the development on the lot and the scale and bulk in the design responds well to the surrounding development. Notwithstanding this vehicle access to the site might pose a conflict with the business to the east of the development which will need to be addressed through a detailed traffic management plan. *(vii) other characteristics the local government considers relevant* Nil.
(d) The local government may require the building facade and side walls of any new development in the Commercial zone to be constructed in masonry with side walls having a minimum building depth in masonry of three (3) metres.	Not Required.
(e) All landscaping to be provided in the Commercial zone shall complement the appearance of the proposed development and the immediate locality.	The landscaping plan submitted with the development application shows the retention of existing mature trees and appropriate plant selection and layout that will complement the appearance of the proposed development and the immediate locality.
(f) The layout of any proposed new car parking area in the Commercial zone shall have regard to traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park	The car parking and traffic circulation within and entering and existing the site shown within the plans submitted with the development is insufficient in detail. A parking management plan is recommended as a condition if development approval granted to appropriately address this requirement.

Parking and Access

Planning Scheme No.1. The Shire of Kondinin does not have a local planning policy relating to car parking that sets minimum requirements for commercial developments, and therefore the onus is placed on the Applicant to justify the number of bays prescribed in the plans for consideration by the local government as it relates to the use of the building and other relevant factors outlined in 31 (2) of the Scheme.

The development application did not include sufficient information to demonstrate how the proposed parking supply responds to the intended land uses. It is therefore recommended that, should development approval be granted, a condition require the preparation and submission of a Car Parking Plan that clearly identifies

the number and location of parking bays and demonstrates how they correspond with each proposed land use within the development.

Planning and Development (Local Planning Schemes) Regulations 2015

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

Relevant Section in Regulations	**Officer Comment**
(a) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area;	Proposal compliant with the aims and provisions
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;	There is no current draft local planning scheme amendment or other planning instrument that is being considered for adoption / approval that is relevant to this proposal
(c) any approved State planning policy;	Proposal aligns with relevant State Planning Policies 3.0 and 3.7 as discussed below
(d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);	Proposal referred to Department of Water and Environmental Regulation confirming no environmental protection policies appliable to the subject site.
(e) any policy of the Commission;	None that are applicable to this application
(f) any policy of the State;	None that are applicable to this application
(fa) any local planning strategy for this Scheme endorsed by the Commission;	Shire of Kondinin has a draft Local Planning Scheme only that is yet to be formally advertised and has not been endorsed by the Commission.
(g)any local planning scheme for the Scheme area	Shire of Kondinin has a draft Local Planning Scheme only that is yet to be formally advertised and not scheduled to be finalised until mid-2027.
(h) any structure plan or local development plan that relates to the development	None that are applicable to this application.
(i)any report of review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015	The Report of Review that was endorsed by Council at the Ordinary Meeting held on the 25 June 2025 as the precursor to the current preparation to the Local Planning Strategy supports the general intent of this proposed development.

(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	Nonapplicable to this application. The site is not reserved under the Scheme.
(k) the built heritage conservation of any place that is of cultural significance; The	The existing Gallery building proposed for demolition to make way for the new development protection under the Scheme
(l)the effect of the proposal on the cultural heritage significance of the area in which the development is located;	The information provided in the development application is limited in explanation on the use of the building beyond what is outlined on the plans, however it is assumed that the proposal to remove the existing Gallery on site and the dedicated exhibition area shown on the plans indicates the development will promote the cultural heritage significance of the area.
(m) the compatibility of the development with its setting, including (i) the compatibility of the development with the desired future character of its setting; and (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The positioning of the development on the lot and the scale and bulk in the design responds well to the surrounding development and desired future character of its setting.
(n) the amenity of the locality including the following (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	The architectural style and design incorporated into this single storey rammed earth building with three functional zones around a central courtyard responds well to the context of the site and the local landscape, limiting any adverse impact on the amenity of the locality.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	There are no known significant effects that the development will place on the natural environment or water resources which was substantiated in the information received from the state referral agencies.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	The landscaping plan submitted with the development application responds well to the setting in the selection and layout of the vegetation, including the retention of the mature trees on site.

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The survey plans and geotechnical report submitted with the development application support the suitability of the land for the development.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	There are no obvious risks to human health or safety related to this development.
(s) the adequacy of	Insufficient information provided in the

(i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	development application regarding these matters. Should Development Approval be granted it is considered appropriate to impose conditions that a Traffic Management Plan is required. Area for loading incorrectly states access from Right of Way when is direct from adjacent private lot 2122. This needs to be addressed through a condition should Development Approval be granted.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety	Insufficient information provided in the development application. Recommend that a Traffic Management Plan is required as a condition should Development Approval be granted.

(u) the availability and adequacy for the development of the following (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability;	In terms of public transport, the development is in walking distance from the Trans Perth Bus terminal at the Hyden Travel Stop. In terms of public utilities, the applicant is reminded of their responsibilities through advice from the Water Corporation and Westen Power during the advertising period that appropriate approvals are to be obtained to access public utility services. In terms of storage, management and collection of waste a bin store has been shown on the plans submitted with the development application, however no further detail on the management of waste. It is recommended that this be incorporated into a Construction Management Plan and an Operational Management Plan as a condition should development approval be granted. In terms of access by older people and people with disability the plans submitted with the development application show Universal Access Toilet (UAT) separate to the main central building and a disabled parking bay to the rear of the site which may compromise providing suitable access to older people and people with a disability to the facility. This will need to be addressed in the building certification stage of the development for compliance.
(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	Insufficient information provided in the development application regarding the operations of the facility to provide an informed response to this. Recommend that the preparation of an Operational Management Plan is prepared as a condition should Development Approval be granted.
(w) the history of the site where the development is to be located;	None of significance to this application.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	Insufficient information provided in the development application about the operations of the facility for the reporting officer to provide an informed response to this. Recommend that the preparation of an Operational Management Plan is prepared as a condition should Development Approval be granted.
(y) any submissions received on the application;	Responses to the submissions received are documented below and where relevant incorporated into any Development Approval issued

(za) the comments or submissions received from any authority consulted under clause 66;	Reponses to the submissions received are documented below and where relevant incorporated into any Development Approval issued.
(zb) any other planning consideration the local government considers appropriate.	Nil.

State Planning Policy No. 3 Urban Growth and Settlement

The proposal has been assessed against the objectives and policy measures within this State Planning Policy. The proposal closely aligns with addressing the second objective of this Policy being *on existing communities with established local and regional economies, concentrate investment in*

Along a similar vein, the proposal best addresses Policy Measure 5.1 Creating Sustainable Communities, in particular the following two key requirements for sustainable communities identified *making the most of efficient use of land in existing urban areas through the use of*
vacant and underutilised land and buildings and higher densities where these can be achieved without detriment to neighbourhood character and heritage value; the cost-effective use of urban land and buildings, schools and community services, infrastructure systems and established neighbourhoods; and promoting and encouraging urban development that is consistent with the efficient use of energy.

urban design which creates and enhances community identity, sense of place, liveability and social interaction in new and existing neighbourhoods.

It is considered that the proposed development addresses the intent of this Policy as it relates to development within existing townsites in a regional setting.

FINANCIAL

Council at its Ordinary Meeting held on 22 July 2026 supported a full refund of planning fees being $18,513.63.

RISK

This is a development approval only and not a building permit or any approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licences required under any other law and to commence and carry out development in accordance with all relevant laws, including but not limited to a certified building permit application under the Building Act 2011 and relevant supporting documentation and detailed structural design plans.

POLICY

Shire of Kondinin Health Local Laws 2016

STATUTORY

State Legislation

Shire of Kondinin Local Planning Scheme No.1

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Act 2005 (as amended)

Environmental Protection (Noise) Regulations 1997

Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974

Food Act 2008

Food Regulations 2009

Health (Miscellaneous Provisions) Act 1911

Government Sewerage Policy 2019

WAPC Position Statement Workforce Accommodation 2018

State Planning Strategy 2050

State Planning Policy No. 3.0 Urban Growth and Settlement

State Planning Policy No. 7.0 Design of the Built Environment Building Act 2011

Federal Legislation

Australian/New Zealand Standards National Construction Codes

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.2 We are a compliant and resourced Local Government

Strategy

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

COMMENT

The application presented to Council for the construction of a Tourist and Community Centre at Lot 800 (No. 36) Marshall Street, Hyden is considered consistent with the objectives for the Commercial State Policy 7.0 Design and Built Environment.

The Development Application lacked detail regarding parking, traffic movement, pedestrian access, and the proposed day-to-day operation of the facility. This limited the extent to which these matters could be fully assessed.

Nothwithstanding this, it is considered these matters can be appropriately addressed through conditions of approval, should Development Approval be granted.

CONSULTATION

Public Consultation

with clause 64 (6) and (7) Advertising Applications of Schedule 2 Deemed Provisions of *the Planning and Development (Local Planning Schemes) Regulations 2015*. The 42-day advertising commenced on the 6 July 2026 and concluded on the 17 August 2026. Letters to all occupants / landowners within

the Kondinin and Hyden.

During the public consultation period five (5) submissions were received. All matters raised in the submissions received during the consultation period have been summarised in the table below and

No.	Issue Raised	Officer Comment
1	Car Park will need to be enlarged at the adjacent IGA to accommodate extra traffic	Noted. Insufficient information provided in the development application regarding parking and traffic movement. Recommend that the Traffic Management Plan and Car Parking Plan are required as a condition should Development Approval be granted
2	Already have many empty buildings in town that could be better utilised as an alternative to the construction of a new building	This is not a relevant planning consideration.
3	Traffic Flow and on eastern side of development will compromise traffic flow at adjacent existing commercial operation. Consideration of a three-metre incursion into the subject property creating a combined car parking area.	Noted. Insufficient information provided in the development application regarding parking and traffic movement. Recommend that the Traffic Management Plan is required as a condition should Development Approval be granted. Any incursion for access would require the preparation of a formal easement and description of benefitting parties
4	Concern that the location of proposed loading dock is shown to operate with direct access from the Hyden IGA carpark.	Noted. IGA Car Park and IGA building are contained within the one lot. This lot has been incorrectly labelled as Right of Way on the plans submitted. This cannot be supported as access unless an easement is prepared or an alternative access to a loading dock is provided. This can be addressed should Development Approval be granted.
5	Scale and purpose of building disproportionately focused to visitors rather than the needs of residents and the long-term sustainability of the local community	Insufficient information provided in development application for Reporting Officer to provide comment on this.

6	Drawings and architectural design in the geotechnical support do not align with the architectural plans published within the development application	Noted error. This can be addressed should Development Approval be granted. Nothwithstanding this, considered not to impact the findings and recommendations within the Geotechnical Report.
7	Concern that new building of this scope and scale will detract from existing services and businesses in locality resulting in duplication and challenges in existing businesses and services remaining viable in turn impacting the long-term sustainability of the local community	Noted. Insufficient information provided in development application for Reporting Officer to provide comment on existing services. This can be addressed through conditions should Development Approval be granted. In terms of competition with local businesses this is not a relevant planning consideration.
8	Lack of transparency in the role and financial implications placed on the Shire of Kondinin in this proposal and the flow on effect to rate payers	This is not a relevant planning consideration.
9	Concern that the traditional visitor or tourism centre continues to meet with the needs of modern travellers who now rely on online information, navigation apps and digital tourism resources rather than visiting a physical information centre. Limited documentation within the Development Application report that prescribes the underlying rationale and evidence for the proposal including sufficient demand and measurable benefits to the Hyden community.	Noted. Insufficient information provided in development application for Reporting Officer to provide comment on this. This can be addressed through conditions should Development Approval be granted.
10	Prior to Council supporting this proposal it is recommended that Council provide the community clear information that entails: the total cost of the	This is not a relevant planning consideration.
	project; the amount of Shire funding already committed and any future financial obligations; the expected ongoing operating costs; how existing vacant or underutilised buildings were considered as alternatives and the evidence demonstrating that a new community and tourist centre is the most appropriate investment	

Referrals / Consultation with Government / Service Agencies

Feedback on the proposal was sought under Deemed Provisions 66 of the *Planning and Development (Local Planning Scheme) Regulations 2015.* Seven (7) submissions received from State Agencies have

No.	Referral Agency	Summary of Response Provided	Officer Comment

1	Public Transport Authority	No objection to proposal	Noted
2	Department of Water and Environmental Regulation	No comments to provide, noting that there are no known water and environmental constraints	Noted
3	Department of Health	No objection to proposal, subject to consideration of the following conditions of advice notes: <u>Water Supply and Wastewater Disposal</u> Existing on-site wastewater system should be decommissioned in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* Wastewater and drinking are to be provided by a licenced service provider. All drinking water provided on site must meet the healthrelated requirements of the Australian Drinking Water Quality Guidelines 2011 <u>Health (Miscelleous Provisions) Act 1911 Requirements</u> All public health access areas (dining areas etc.) are to comply with the provisions of the *Health (Miscellaneous Provisions) Act 1911,* related regulations and guidelines and in particular Part V1 Public Buildings <u>Food Safety</u> Any handling of food sale, or sale of food at this facility will need to	Recommend that conditions and Advice Notes are incorporated into any Development Approval issued

		comply with the *Food Act 2008*, *Food Regulations 2009* and any relevant standards of the Australia New Zealand Food Standards Code. This includes the requirement to notify or register the food business under the *Food Act 2008* with the appropriate food business under the *Food Act 2008* with the appropriate enforcement agency (local government where the business is located) prior to commencing operations.	
4	Water Corporation	No objection to proposal, subject to consideration of the following conditions of advice notes: Reticulated water is available and has adequate capacity to service the proposal <u>Wastewater</u> Reticulated sewerage is available and has adequate capacity to service the proposal. Note that this is a STED (Septic Tanke Effluent Disposal) Scheme, so all properties connected to the sewer must have a septic tank installed. The outlet is then connected to the Water Corporation sewer. Approval for Works Any works undertaken in proximity to Water Corporation Assets will require prior approval via an Asset Protection Risk Assessment (APRA) Building Approval Application Prior to construction the landowner is required to submit an application by using the Water Corporation online Portal BuilderNet	Noted Recommend that conditions and Advice Notes are incorporated into Development Approval issued
5	Department of Primary Industries and Regional Development	No objection to the proposal, on the recommendation that the existing mature Eucalyptus trees be retained.	Noted. Recommend that conditions and Advice Notes are incorporated into any Development Approval issued.

6	Western Power	Recommends consideration to the following standard provisions; The development shall be designed and constructed to protect Western	Noted. Recommend that conditions and Advice Notes are incorporated into any
		Power infrastructure and interests from potential land use conflict. No development (including drainage, fill, fencing, storage or parking) will be permitted within Western Power line and cable easements or safe clearance zones without the prior written approval from Western Power. The applicant should formally progress the Western Power network connection arrangements with Western Power should the development proceed Arrangements to be made to the specifications of Western Power for the provision of necessary electricity easements as required	Development Approval issued.

7	Main Roads WA	Main Roads WA has no objection to the proposal, subject to the following conditions and advice: 1. No direct vehicular access shall be permitted to Brookton Highway without the prior written approval of Main Roads Western Australia. 2. Vehicular access to the development shall be limited to the approved access points from McPherson Street and Coronation Park Access. Appropriate physical barriers, such as bollards or other approved treatments, shall be installed and maintained along the Brookton Highway frontage where necessary to prevent the creation of informal or unauthorised vehicle access points. 3. Any works within the Main Roads Road Reserve, including but not limited to landscaping, signage, footpaths, drainage infrastructure, utility/service connections or earthworks, shall require prior written approval from Main Roads Western Australia in the form of an Application to Work within the Road Reserve. 4. Stormwater generated by the development shall be contained	Recommend that conditions and Advice Notes are incorporated into any Development Approval issued.

		and managed on-site and shall not be discharged onto the Main Roads Road Reserve. Stormwater disposal shall be undertaken in accordance with the recommendations of the geotechnical investigation and the requirements of the relevant local authority. 5. Any damage to Main Roads infrastructure, assets or the road reserve resulting from construction or associated development activities shall be reinstated to the satisfaction of Main Roads Western Australia at the applicant's expense. 6. A Traffic Management Plan (TMP) and/or Traffic Guidance Scheme (TGS), as applicable, shall be prepared and approved prior to any construction activities that affect traffic operations on Brookton Highway or within the Main Roads Road Reserve. Main Roads Western Australia advises the landowner/applicant regarding the Brookton Highway Road Reserve that: i) no earthworks are to encroach onto the road reserve; ii) no stormwater drainage is to be discharged onto the road reserve; and iii) the landowner/applicant shall make good any damage to existing verge vegetation or road reserve assets resulting from development or construction activities.	

RESOLUTION OCM/26/019

Moved: Cr Bruce Browning

Seconded: Cr Murray James

1. That Council APPROVE application reference (01.2026.2027) for Proposed Community and Tourist Centre at No. 36 (Lot 800) Marshall Street, Hyden in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 18 of the Shire of Kondinin Local Planning Scheme No.1, subject to the following conditions and advice notes;

Conditions

(a) The development is to be undertaken in accordance with the approved plans and documents attached to this approval, except where amended by subsequent conditions;

(b) This decision constitutes planning approval only and is valid for a period of four (4) years from date of approval [insert date]. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;

(c) Pursuant to Schedule 2, clause 74 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, further detailed plans and associated supporting documentation shall be submitted to the Local Government;

(d) Prior to construction commencing on-site, a Construction Management Plan shall be submitted to the Local Government for approval. Once approved the Construction Management Plan shall be implemented at all times to the satisfaction of the Local Government during the construction phase;

(e) Prior to operations commencing on-site, an Operational Management Plan shall be submitted to the Local Government for approval;

(f) Prior to construction commencing on-site, a Traffic Management Plan including a Traffic Impact Assessment and Car Parking Plan shall be submitted to the Local Government for approval;

(g) Any handling of food at the facility will need to comply with the *Food Act 2008*, *Food Regulations 2009* and any relevant standards of the Australia New Zealand Food Standards Code. This includes the requirement to notify or register the food business under the *Food Act 2008* with the Shire of Kondinin prior to commencing operating;

(h) All public access areas (dining areas, recreation room, meeting rooms etc. are to comply with the provisions of the *Health (Miscellaneous Provisions) Act 1911,* related to regulations and guidelines and in particular Part V1 Public Buildings;

(i) No signs or hoardings are to be erected in relation to the development without the separate approval of the Local Government;

(j) An application to install an apparatus for the treatment of sewerage in accordance with the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974 (WA) is* required to be submitted to the Shire of Kondinin and approved by the Department of Health prior to the issuing of a building permit for the main building structures on site;

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

(l) Existing on-site wastewater system should be decommissioned in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations* 1974

(m) Wastewater and drinking are to be provided by a licenced service provider. All drinking water provided on site must meet the health-related requirements of the Australian Drinking Water Quality Guidelines 2011;

(n) Where practicable, the existing mature Eucalyptus trees be retained and incorporated into the landscaping of the site;

(o) A formal easement with a right of carriageway over adjacent Lot 2122 is required to enable vehicular access to the loading bay or an alternative agreed form of access approved by the Local Government;

(p) No direct vehicular access shall be permitted to Brookton Highway (Marshall Street) without the prior written approval of Main Roads Western Australia;

(q) Vehicular access to the development, excluding the loading bay, shall be limited to the approved access points from McPherson Street and Coronation Park Access. Appropriate physical barriers, such as bollards or other approved treatments, shall be installed and maintained along the Brookton Highway frontage where necessary to prevent the creation of informal or unauthorised vehicle access points;

(r) Stormwater generated by the development shall be contained and managed on-site and shall not be discharged onto the Main Roads Road Reserve. Stormwater disposal shall be undertaken in accordance with the recommendations of the geotechnical investigation and the requirements of the Shire of Kondinin;

(s) Any damage to Main Roads infrastructure, assets or the road reserve resulting from construction or associated development activities shall be reinstated to the satisfaction of Main Roads Western Australia at the applicant's expense; and

(t) Prior to lodgement of an occupancy permit, an acoustic study of the mechanical services shall be undertaken once the design has been finalised and submitted for approval to the Shire of Kondinin. Mechanical services shall be installed in accordance with an approved acoustic study and maintained thereafter to the satisfaction of the Shire of Kondinin.

Advice Notes

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

i. Internal and external access and movement details, including clearly identified vehicle and pedestrian entry and exit points, and legible internal access routes connecting the car parks, buildings and outdoor spaces;

ii. Amended Geotechnical Report inclusive of development plans submitted with this development application;

(b) This is a development approval only and not a building permit or any approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licences required under any other law and to commence and carry out development in accordance with all relevant laws, including but not limited to a certified building permit application under the Building Act 2011 and relevant supporting documentation and detailed structural design plans;

(c) In relation to the Construction Management Plan, the following information shall be included:

i. The location, width, drainage and surfacing standards for access and egress points to public roads;

ii. Storm water management; iii. Public health considerations (i.e. where relevant air quality, water quality, land and hazard management; workforce health and communities)

iv. The delivery and storage of construction materials and equipment to the site; v. Waste disposal;

vi. Water management and water security; vii. Measures to minimize the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;

viii. Details of all temporary land uses, associated built form of structures and the operation and management of those temporary uses including likely timeframes for such uses;

ix. Traffic management and parking arrangements and provision of temporary amenities for contractors and sub-contractors;

x. The extent of earthworks proposed on site, the method of stabilizing those earthworks and any on-going management required to prevent wind or water borne erosion including the extraction of any road making materials from within the site and the rehabilitation of the excavation area/s to a suitable end use;

xi. The management of noise and vibration on the site during the construction period including a proposed methodology and monitoring procedure to be put in place to minimize any impacts;

xii. Dust suppression and stabilization of any soils disturbed or deposited on-site; xiii. Construction hours; and xiv. Management of cranes used on-site

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

i. Waste disposal; ii.

Storm water management;

iii. Hours of operation for each use within the proposed Community and Tourist Centre; iv. Projected patronage and usage, including estimated daily and weekly user (staff and visitors) numbers for each proposed use within the Community and Tourist Centre.

(e) In relation to the Traffic Management Plan and Car Parking Plan the following information shall be included:

i. A site plan that is to scale that clearly shows the access points for vehicles entering and exiting the site including width and construction material of proposed new accessways and future crossovers into and out of the site;

ii. Anticipated traffic generated by the proposed development iii. Swept path diagrams

demonstrating that vehicles can travel and manoeuvre

safely and efficiently entering, exiting and within the site;

iv. A site plan that is to scale that clearly shows the location, width and construction materials for all car parks proposed on the site and associated vehicular and pedestrian connections entering and existing the site and accessing the building, including disability access;

v. Anticipated parking demand for each proposed use within the Community and Tourist Centre, supported by justification that adequate parking is available either on-site or in accessible surrounding locations;

vi. Details of any traffic / safety signage / directional signage / lighting; vii. Provisions acknowledging that Main Roads WA will be notified should any

activities affect traffic operations of Brookton Highway or located within Main Roads Road Reserve; viii. Provisions acknowledging that no earthworks will encroach onto Brookton Highway Road Reserve; no stormwater drainage is to be discharged onto the Brookton Highway Road Reserve; and that the landowner / applicant shall make good any damage to existing verge vegetation or Main Roads WA Road Reserve assets resulting from development or construction activities.

CARRIED 7/0

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

Against: Nil

12.3 WORKS

Nil

12.4 CHIEF EXECUTIVE OFFICER

12.4.1 2025 Compliance Audit Return

FILE NUMBER:

DATE: 14 September 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS: 1. Draft - Shire of Kondinin - Compliance Audit Return - 2025 - *Under Separate Cover*

RECOMMENDATION

That Council:

1. Notes that the Audit, Risk and Improvement Committee reviewed the Shire of Kondinin Compliance Audit Return for the period 1 January to 31 December 2025 at its meeting held on 3 September 2026 and recommended that Council adopt the Return;
2. determines that the matters identified in the Compliance Audit Return require the corrective and improvement actions outlined in the Return and this report;
3. Adopts the Shire of Kondinin Compliance Audit Return for the period 1 January to 31 December 2025, as attached;
4. Requests the Chief Executive Officer to maintain a corrective action register addressing the identified non-compliance and improvement actions and to report progress to the Audit, Risk and Improvement Committee until the actions are completed; and
5. Authorises the Shire President and Chief Executive Officer to sign and submit the adopted

   the relevant section of the Council minutes and any required explanatory information to the Local Government Inspector by 30 September 2026.

SUMMARY

The purpose of this report is for Council to consider and adopt the Shire of Kondinin Compliance Audit Return for the period 1 January to 31 December 2025, following its review and endorsement by the Audit, Risk and Improvement Committee on 3 September 2026.

The Compliance Audit Return is an annual statutory selfselected provisions of the Local Government Act 1995 and associated regulations.

The completed Return must be reviewed by the Audit, Risk and Improvement Committee before being presented to Council for consideration and adoption. Following Council adoption, the Return must be signed by the Shire President and Chief Executive Officer and submitted to the Local Government minutes and any necessary explanatory information.

The submission deadline for the 2025 Compliance Audit Return has been extended to 30 September 2026.

The Return demonstrates compliance across most of the areas assessed. It also identifies several matters requiring corrective action or improved documentation.

VOTING REQUIREMENT

Simple Majority

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

Following completion of the compliance audit, the Chief Executive Officer must prepare the Compliance Audit Return and provide it to the Audit, Risk and Improvement Committee. The Committee must review the Return, report the results of its review to Council and make any recommendations it considers appropriate.

recommendations made by the Committee. Council must determine whether any matters raised require action and either adopt the Return or adopt it subject to amendments.

available records, including:

Council and committee minutes;
statutory registers;
procurement and tender documentation;
financial records; policies and
procedures; delegation records;
website publications; and internal
and external audit findings.

The completed Return was presented to the Audit, Risk and Improvement Committee on 3 September 2026. The Committee reviewed the Return and endorsed its presentation to Council for consideration and adoption.

The Return records broad compliance across most assessed areas. However, it also contains several adverse responses and comments identifying areas where procedures, records or statutory actions were incomplete.

The principal matters identified are summarised below.

Procurement and tendering

The Return records non-compliance relating to section 3.57 of the Local Government Act 1995 and regulation 11A of the Local Government (Functions and General) Regulations 1996.

interim management letter. The matters included:

the procurement of a motor vehicle; and
the acquisition of roadmaking products and plant hire (identified as being through a panel arrangement).

procedures, contracting framework, evaluation documentation and contractor engagement practices is also underway.

This work forms part of the Organisation Enhancement Program and the Audit, Risk and Improvement Committee work plan.

Major trading undertaking

The Return identifies that the statutory process associated with the proposed Discovery Centre was not completed through a sufficiently specific Council resolution to proceed.

Although preparatory and business planning work was undertaken, the former process did not result in a Council resolution that clearly completed the required statutory decision-making process.

The matter has subsequently been returned to Council and corrective action has been undertaken in accordance with the applicable legislative requirements.

Committee delegations

The Return records that committee delegations were supported by Council resolutions and committee terms of reference but were not fully identified in the formal Register of Delegations.

The Register of Delegations is currently undergoing detailed review. Non-statutory committees have also been discontinued, with relevant matters to be considered through whole-of-Council processes where appropriate.

The revised Register will need to identify clearly any continuing statutory delegations to committees and the legislative authority under which each delegation is made.

Records of delegated decisions

The review found that most exercises of delegated authority were recorded. However, the Shire could not demonstrate that a compliant written record was maintained on every occasion.

A consistent organisation-wide approach is being developed. This will include:

a standard delegated decision record;
clearer requirements for statutory and administrative delegations;

central registers where appropriate;
officer education; and periodic
management checking.

This work will provide greater assurance that each exercise of delegated authority is identifiable, properly authorised and supported by an appropriate record.

Audit findings and significant matters

The Return records that some matters raised through audit had not been fully resolved during the reporting period. These principally concern:

cybersecurity strategy and governance; and procurement
policies, procedures and controls.

The draft Cybersecurity Strategy has been presented to the Audit, Risk and Improvement Committee. Revised procurement documentation is also under development.

The Return further records that no formal report under section 7.12A(4) of the Local Government Act

official website. However, the relevant audit reports did not identify any matters as significant for the purposes of section 7.12A.

Elected member training

One Council Member has not yet completed the prescribed Council Member Essentials training but is enrolled to complete the course before October 2026. Upon completion, all Council Members are expected to meet the applicable training requirement.

The review also identified that the elected member training register does not record whether any Council Member is exempt from the prescribed training requirements.

exemption applies, record the basis for the exemption and retain the necessary supporting documentation.

Electoral gift register

No electoral gifts were disclosed during the relevant period. However, a current nil electoral gift

The absence of disclosures does not remove the requirement to maintain and publish an up-to-date register. A nil register should therefore be published and an ongoing administrative control established to ensure that the register remains current.

-compliance.

For example, questions concerning whether the Shire rejected late tenders or late expressions of the required

time. These responses do not indicate a compliance failure.

FINANCIAL

There is no direct fee associated with the Committee receiving the Compliance Audit Return or Council adopting and submitting it.

Corrective actions may, however, involve costs associated with:

legal or governance advice;
procurement and contract management support; cybersecurity planning and system improvements; elected member and employee training; policy and procedure development; records management improvements; internal control reviews; and staff time required to implement and verify corrective actions.

The most significant potential financial exposure is likely to relate to cybersecurity improvements and any external support required to complete procurement and governance reforms. Costs should be scoped and prioritised according to assessed organisational risk.

budget, Organisation Enhancement Program and established procurement and financial management processes. Any expenditure not included in the adopted budget will be subject to the applicable statutory budget approval requirements.

RISK

Failure to comply with legislative requirements may result in regulatory intervention, adverse audit findings, formal directions, monitoring or reputational damage.

Corrective actions may require staff time, external professional assistance, system improvements and training.

Failure to invest in appropriate controls may result in greater future costs through errors, contract disputes, inefficient expenditure, cybersecurity incidents or audit remediation.

POLICY

The Compliance Audit Return has implications for several existing Shire policies and operational

framework to ensure that: policies are reserved for matters requiring Council-level direction;

operational processes are documented separately as procedures or work instructions;

policies accurately reflect current legislative requirements; responsibilities and approval

authorities are clearly defined; documents are subject to scheduled review; and

Policies and supporting documents requiring attention are detailed within information previously shared with the Committee.

The proposed Compliance Audit Return corrective action register will complement, rather than replace, the Organisation Enhancement Program and Audit, Risk and Improvement Committee workplan.

STATUTORY

The principal statutory framework relevant to this report is provided by the:

Local Government Act 1995;

Local Government (Audit) Regulations 1996;

Local Government (Administration) Regulations 1996;

Local Government (Financial Management) Regulations 1996;

Local Government (Functions and General) Regulations 1996;

Local Government (Elections) Regulations 1997; and Local

Government (Constitution) Regulations 1998.

The Compliance Audit Return must be completed by the Administration, reviewed by the Audit, Risk and Improvement Committee, adopted by Council and submitted to the Local Government Inspector.

For the 2025 reporting period, the State Government has deferred the submission deadline to 30 September 2026.

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

key legislative obligations.

The Return demonstrates that the Shire is compliant across most areas reviewed. It also confirms several historical weaknesses in procurement, delegations, delegated decision records, audit action management, elected member training records and statutory website publications.

Importantly, the identified matters are broadly consistent with issues already recognised through audit and the Organisation Enhancement Program. Corrective work has commenced, with several actions already incorporated into the Audit, Risk and Improvement Committee workplan.

CONSULTATION

Audit, Risk and Improvement Committee;
Chief Executive Officer;
Relevant Shire employees responsible for governance, finance, procurement, records management and statutory compliance;
Office of the Auditor General, through the external audit process; and External advisers where relevant to the matters identified.

RESOLUTION OCM/26/020

Moved: Cr Bruce

Browning Seconded: Cr Paul

Green That Council:

1. Notes that the Audit, Risk and Improvement Committee reviewed the Shire of Kondinin Compliance Audit Return for the period 1 January to 31 December 2025 at its meeting held on 3 September 2026 and recommended that Council adopt the Return;
2. that the matters identified in the Compliance Audit Return require the corrective and improvement actions outlined in the Return and this report;
3. Adopts the Shire of Kondinin Compliance Audit Return for the period 1 January to 31 December 2025, as attached;
4. Requests the Chief Executive Officer to maintain a corrective action register addressing the identified non-compliance and improvement actions and to report progress to the Audit, Risk and Improvement Committee until the actions are completed; and
5. Authorises the Shire President and Chief Executive Officer to sign and submit the adopted

   the relevant section of the Council minutes and any required explanatory information to the Local Government Inspector by 30 September 2026.

CARRIED 7/0

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

Against:	Nil

12.4.2 Shire Risk Register Review

FILE NUMBER:

DATE: 14 September 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS: 1. Shire of Kondinin - Enterprise Risk Register - *Under Separate Cover*

RECOMMENDATION

That Council:

1. Notes that the Audit, Risk and Improvement Committee reviewed the Shire of Kondinin Enterprise Risk Register at its meeting held on 3 September 2026 and recommended it to Council for endorsement;
2. Receives and endorses the Shire of Kondinin Enterprise Risk Register, including the identified risks, existing controls, residual risk ratings and proposed treatment actions;
3. Requests the Chief Executive Officer to oversee the implementation of the identified risk treatment actions and ensure that responsible officers regularly review and update the risks, controls, treatment actions, target completion dates and residual risk ratings assigned to them;
4. Register as a standing item on its meeting agendas, with particular emphasis on: High and Extreme residual risks; overdue treatment actions; ineffective or failed controls; emerging risks; material changes to existing risks; and risks requiring additional resources or Council consideration; and
5. Requests the Chief Executive Officer to refer to Council any risk treatment requiring: an amendment to Council policy; expenditure not provided for in the adopted Annual Budget; a material change to an adopted strategic or operational priority; or

SUMMARY

The purpose of this report is for Council to consider and endorse the Shire of Kondinin Enterprise Risk Register following its review by the Audit, Risk and Improvement Committee on 3 September 2026.

The Enterprise Risk Register has been developed to identify and assess the principal risks that may

The Register contains 57 enterprise risks. After considering existing controls and mitigation measures, the current residual risk profile is:

6 High risks;
28 Medium risks;
23 Low risks; and
no Extreme risks.

The Audit, Risk and Improvement Committee reviewed the Register on 3 September 2026 and recommended that Council endorse it and the associated risk treatment actions.

profile, the effectiveness of existing controls and progress in completing treatment actions, particularly for High-rated risks.

VOTING REQUIREMENT

Simple Majority

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 Local Government (Audit) Regulations 1996 establish functions for the Audit, Risk and

management, legislative compliance and risk management systems and procedures. The Committee may recommend improvements to Council arising from those reviews.

The Enterprise Risk Register supports these responsibilities by providing a consolidated view of risks across the broad continuum of Council functions.

The residual risk rating reflects the level of exposure remaining after existing controls and mitigation measures have been considered.

Where a residual risk remains High, further treatment actions have been identified to reduce the likelihood or consequences of the risk, strengthen the relevant controls or improve organisational preparedness.

3 September 2026. The Committee reviewed: the identified enterprise risks; inherent and residual risk ratings; existing controls and mitigation measures; proposed treatment actions; risk ownership; and future monitoring arrangements.

The Committee resolved to recommend that Council endorse the Register and associated risk treatment actions and that the Register become a standing item for future Committee meetings.

The Register is scheduled for formal annual review.

FINANCIAL

There are no immediate financial implications arising from receiving and monitoring the Risk Register.

annual budget and long-term financial planning processes. Effective risk management may reduce exposure to financial loss, service interruption, regulatory action and unplanned expenditure.

RISK

Failure to regularly monitor the Risk Register may result in emerging risks, ineffective controls or overdue treatment actions not being identified and addressed promptly.

Including the Register as a standing Committee agenda item will strengthen oversight and

POLICY

governance, financial management, procurement, workplace safety and asset management policies.

No policy amendments are proposed at this stage. Any identified policy gaps or required improvements will be presented to Council through the normal policy review process.

STATUTORY

Local Government Act 1995

Section 1.3 of the Local Government Act 1995 provides a framework intended to support better decision-making, greater accountability, and more efficient and effective local government. A structured risk management process supports these objectives by assisting Council and management to make informed decisions about priorities, controls and resource allocation.

and resources, determining policies, planning strategically and providing strategic direction to the CEO. The Risk Register supports this oversight role by identifying significant organisational risks and the actions required to manage them.

Section 7.1A requires the Shire to establish an Audit, Risk and Improvement Committee. The functions of the Committee are further prescribed by the Local Government (Audit) Regulations 1996.

Local Government (Audit) Regulations 1996

Regulation 16 requires the Audit, Risk and Improvement Committee to receive and review reports on

management, legislative compliance and risk management, and to recommend improvements to Council. It also requires the Committee to review reports arising from audits, compliance audits and reviews conducted under regulation 17.

systems and procedures relating to financial management, legislative compliance and risk management. Each area must be reviewed at least once every four financial years, and the results must be reported to the Audit, Risk and Improvement Committee.

Presentation of the Risk Register does not, by itself, constitute the full systems and procedures review required by regulation 17. However, the Register supports that review and assists the Committee to monitor whether identified risks, controls and treatment actions are being actively managed. *Local Government (Financial Management) Regulations 1996*

Regulation 5 requires the CEO to establish efficient financial management systems and procedures

accounting, revenue collection, payment authorisation, financial recordkeeping and reporting controls

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

organisational risks and the measures being taken to manage them.

Regular consideration of the Register by the Council and the Audit, Risk and Improvement Committee will strengthen governance oversight, maintain accountability for treatment actions and ensure that High risks and emerging issues receive appropriate attention.

CONSULTATION

Administration staff.

RESOLUTION OCM/26/021

Moved: Cr Beverley

Gangell Seconded: Cr Murray

James That Council:

1. Notes that the Audit, Risk and Improvement Committee reviewed the Shire of Kondinin Enterprise Risk Register at its meeting held on 3 September 2026 and recommended it to Council for endorsement;
2. Receives and endorses the Shire of Kondinin Enterprise Risk Register, including the identified risks, existing controls, residual risk ratings and proposed treatment actions;
3. Requests the Chief Executive Officer to oversee the implementation of the identified risk treatment actions and ensure that responsible officers regularly review and update the risks, controls, treatment actions, target completion dates and residual risk ratings assigned to them;
4. Register as a standing item on its meeting agendas, with particular emphasis on: High and Extreme residual risks; overdue treatment actions; ineffective or failed controls; emerging risks; material changes to existing risks; and risks requiring additional resources or Council consideration; and
5. Requests the Chief Executive Officer to refer to Council any risk treatment requiring: an amendment to Council policy; expenditure not provided for in the adopted Annual Budget; a material change to an adopted strategic or operational priority; or

CARRIED 7/0

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

Against: Nil

12.4.3 Bush Fire Brigade Annual General Meeting Minutes and Officer Appointments

FILE NUMBER:

DATE:	14 September 2026
AUTHOR:	Bruce Wright, Chief Executive Officer
AUTHORISED OFFICER:	Bruce Wright, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author - Nil
	Authoriser - Nil
ATTACHMENTS:	1. 2025-2026 - Annual General Meeting Kondinin Bushfire Brigades - Meeting Minutes - *Under Separate Cover*

RECOMMENDATION

That Council:

1) Receive the minutes of the Shire of Kondinin Bush Fire Brigades Annual General Meeting held on 29 July 2026 and formally appoint the nominated Bush Fire Control Officers and other office holders.

2) Council Endorse the proposed Dual Bush Fire Control Officer nominations and approaches to the relevant neighbouring local governments.

SUMMARY

The purpose of this report is for Council to receive the minutes of the Shire of Kondinin Bush Fire Brigades Annual General Meeting held on 29 July 2026 and formally appoint the nominated Bush Fire Control Officers and other office holders.

and approaches to the relevant neighbouring local governments.

VOTING REQUIREMENT

Simple Majority

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 of Kondinin Bush Fire Brigades Annual General Meeting was held at the Karlgarin Bowling Club on 29 July 2026.

The meeting considered operational and strategic bush fire matters and endorsed appointments for the 2026/27 bush fire season. **Senior officer nominations**

Chief Bush Fire Control Officer: Neil Whyte

Deputy Chief Bush Fire Control Officer: Tom Mulcahy

Fire Weather Officer: Bruce Wright

Brigade officer nominations

Kondinin Town Brigade

Fire Control Officer: Kurt Spurgeon

Deputy Fire Control Officer: John Young

Kondinin Brigade, West

Fire Control Officer: Glenn Browning

Deputy Fire Control Officer: Cameron Lucas

Kondinin Brigade, East

Fire Control Officer: Neil Whyte

Deputy Fire Control Officer: Geoff Whyte

Karlgarin Brigade, North

Fire Control Officer: Murray James

Deputy Fire Control Officer: Peter Richter

Karlgarin Brigade, South

Fire Control Officer: Andrew James

Deputy Fire Control Officer: Craig Trestrail

Hyden Town Brigade

Fire Control Officer: Ashley Rogers

Hyden Brigade, North

Fire Control Officer: Paul Green

Deputy Fire Control Officer: Jeremy James, in principle subject to confirmation

Hyden Brigade, South

Fire Control Officer: Trevor Hinck

Deputy Fire Control Officer: Stephen James

East Hyden Brigade, North

Fire Control Officer: James Falconer

Deputy Fire Control Officer: Dennis Gittos

Proposed dual Bush Fire Control Officer nominations

The AGM endorsed the following Shire of Kondinin officers for nomination as dual Bush Fire Control Officers within neighbouring local government districts:

Shire of Corrigin

Roger Northey

Glenn Browning

Shire of Kulin

Trevor Hinck

Andrew James

Shire of Narembeen

Neil Whyte

Murray James

Paul Green

Shire of Yilgarn

James Falconer

Shire of Lake Grace

Tom Mulcahy

The dual appointments will only take effect within each neighbouring district following formal appointment by the relevant local government.

local governments and progress the appointments and any reciprocal arrangements.

FINANCIAL

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

Minor administrative costs associated with statutory notices, certificates of appointment and

existing budget.

RISK

Formal appointment and notification of Bush Fire Control Officers will provide clarity regarding authority, responsibility and operational arrangements for the 2026/27 bush fire season.

Dual appointments will support cross-boundary coordination and response arrangements with neighbouring local governments. **POLICY**

local laws and operational procedures.

STATUTORY

The Bush Fires Act 1954 provides for a local government to appoint Bush Fire Control Officers and requires the appointment of a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.

The prescribed appointment, notification and identification requirements will be completed following

An officer nominated for a dual appointment cannot exercise authority within another local government district until formally appointed by that local government.

STRATEGIC

Theme

1. COMMUNITY

Goal

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

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

COMMENT

The nominations endorsed at the AGM provide an appropriate command and operational structure for

Formal appointment by Council will provide clarity regarding the authority and responsibilities of the nominated officers.

The proposed dual appointments will support coordination and operational response across local government boundaries. The Chief Executive Officer will approach the relevant neighbouring local governments to seek the necessary appointments and reciprocal arrangements.

The nomination of Jeremy James as Deputy Fire Control Officer for Hyden Brigade, North, was recorded in the AGM minutes as being subject to confirmation. His appointment and certificate should not take effect until his nomination and acceptance have been confirmed.

CONSULTATION

Consultation occurred through the Shire of Kondinin Bush Fire Brigades Annual General Meeting held on 29 July 2026.

Further consultation will occur with the Shires of Corrigin, Kulin, Narembeen, Yilgarn and Lake Grace regarding the proposed dual appointments and reciprocal arrangements.

RESOLUTION OCM/26/022

Moved: Cr Paul Green Seconded:

Cr Beverley Gangell That Council:

1. Receives the minutes of the Shire of Kondinin Bush Fire Brigades Annual General Meeting held on 29 July 2026.
2. Appoints the following persons under the Bush Fires Act 1954 for the 2026/2027 bush fire season:
   a) Chief Bush Fire Control Officer: Neil Whyte
   b) Deputy Chief Bush Fire Control Officer: Tom Mulcahy
   c) Fire Weather Officer: Bruce Wright
   d) Brigade Fire Control Officers and Deputy Brigade Fire Control Officers: the persons listed in the body of this report, subject to Lachie Mouritz being appointed as Deputy Fire Control Officer for the Hyden North Bush Fire Brigade in place of Jeremy James.
3. Endorses the dual Bush Fire Control Officer nominations listed in the body of this report, including the additional nomination of Mr Kurt Spurgeon as a Dual Bush Fire Control Officer with the Shire of Kulin, and authorises the Chief Executive Officer to seek endorsement of the respective nominations from the Shires of Corrigin, Kulin, Narembeen, Yilgarn and Lake Grace.

CARRIED 7/0

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

Against: Nil

0.0 Commonwealth Migration Measures: Potential Impacts on Shire of Kondinin Employers

FILE NUMBER:

DATE: 19 September 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS: Nil

RECOMMENDATION

That Council:

1. Notes the Commonwealth migration measures announced on 17 September 2026 and their potential implications for employers within the Shire of Kondinin.
2. Notes that commencement dates, transitional arrangements and detailed operating rules for several of the announced measures, including the proposed ballot for second and third-year Working Holiday Maker visas, had not been published as at 19 September 2026.
3. and Minister for Immigration and Citizenship:
   a) seeking confirmation of the proposed commencement date and transitional arrangements for the Working Holiday Maker ballot;
   b) requesting appropriate transitional protection for people who have already completed or commenced the specified regional work; and
   c) requesting that the seasonal workforce requirements of agricultural, hospitality, accommodation and tourism employers in the eastern Wheatbelt be considered before the measures are implemented.
4. Requests that the Western Australian Local Government Association consider the workforce implications of the announced measures for small regional local governments and communities through its advocacy program.

SUMMARY VOTING REQUIREMENT

Simple Majority

Advocacy

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

BACKGROUND

The Shire of Kondinin comprises the communities of Kondinin, Karlgarin and Hyden and covers approximately 7,340 square kilometres in the central-eastern Wheatbelt.

The local economy is based principally on broadacre agriculture, livestock, tourism and emerging mining activity. Grain production is the dominant land use, while Hyden supports an internationally recognised visitor economy associated with Wave Rock and surrounding attractions.

seasonal, required at short notice, located away from larger regional centres or connected with fluctuations in agricultural and visitor activity.

Working Holiday Makers and other temporary migrant workers may form part of the available workforce for:

farms and agricultural contractors; transport, mechanical

and grain-handling businesses; accommodation

providers; hospitality venues; tourism and visitor-service

businesses; and other local employers.

The Shire does not currently hold reliable information about how many local employers use temporary migrant labour, the visa pathways involved or the number of workers potentially affected by the announced measures. **Confirmed Local Data**

The 2021 Census recorded 847 usual residents in the Shire of Kondinin local government area. Of these, 629 people reported Australia as their country of birth. The Census also provides information about citizenship, employment and place of work.

These figures cannot be used to determine the number of migrant workers employed locally.

Conversely, seasonal workers employed within the Shire may not regard Kondinin, Karlgarin or Hyden as their usual place of residence and may therefore not be represented in the usual-resident figures.

The 2021 Census was also conducted during COVID-19 border restrictions. The Australian Bureau of Statistics has cautioned that those restrictions affected the number and composition of temporary visa holders present in Australia at that time.

The Department of Home Affairs publishes national and state-level data on temporary visa holders and employer-sponsored visas, but the publicly available information does not provide a complete and dependable count for the Shire of Kondinin. Working Holiday Makers are also mobile and are generally not tied to one nominated employer or workplace.

The appropriate conclusion is that temporary migrant workers may be employed within the Shire, but their number and importance to local employers have not been confirmed.

Working Holiday Makers

The Minister announced that second and third-year Working Holiday Maker visas would move to a ballot. Existing specified-work requirements would remain:

88 days of specified work to qualify for entry into the second-year ballot; and six months of specified work during the second visa period to qualify for entry into the thirdyear ballot.

A person could therefore complete the required work but not obtain a place through the ballot.

This may:

reduce certainty for workers and employers; reduce the incentive for some Working Holiday Makers to undertake regional work; reduce the number of experienced workers available for subsequent

seasons; make seasonal workforce planning more difficult; and create particular difficulties if the ballot or visa-processing timetable does not align with harvest or peak visitor periods.

The local effect will depend on matters that remained unpublished as at 19 September 2026, including:

a) the commencement date;
b) the timing and frequency of ballot rounds;
c) application and selection processes;
d) processing times after selection;
e) the treatment of people who have already completed the required work; and
f) transitional arrangements for people who have commenced specified work.

United Kingdom arrangements

British citizens remain exempt from the specified regional-work requirements for second and thirdyear Working Holiday Maker visas under arrangements associated with the Australia United Kingdom Free Trade Agreement.

The Minister stated that UK Working Holiday Maker numbers had increased from approximately 17,000 around the pandemic-affected period in which the agreement was signed to just under 80,000. He also referred to an earlier pre-pandemic peak of approximately 35,000.

The Minister said UK applications would continue to be processed at the slower rate applied in recent years.

The UK exemption is relevant to regional communities because British Working Holiday Makers do not need to undertake specified regional work to access a second or third visa. They therefore do not have the same visa-based incentive to seek employment in locations such as the Shire of Kondinin.

This does not mean British Working Holiday Makers are unavailable for regional employment. It means their decision to work regionally is not driven by the specified-work requirement.

Agriculture and Harvest

Broadacre agriculture is the principal economic activity within the Shire. Local production includes wheat, barley, canola, lupins, peas and hay, with Kondinin, Karlgarin and Hyden serving as grainreceival locations.

Local agricultural businesses may require workers for: seeding; spraying and crop management; machinery operation; harvest; grain handling; mechanical and maintenance work; livestock activities; transport; and agricultural contracting (among others).

Not all of these roles are filled by Working Holiday Makers. The Shire does not currently have evidence establishing the proportion of the local agricultural workforce using that visa pathway, however, anecdotal information tells us that the number is proportionately high in the Shire.

Australian farm jobs. Industry-commissioned research has also identified Working Holiday Maker participation in grains, red meat, cotton and horticulture during peak periods. These national industry estimates should not be treated as evidence of the precise position within the Shire of Kondinin.

The Minister announced that agriculture, fisheries, construction, resources and teaching would be added to revised skilled-visa processing priorities. This may assist some employers seeking sponsored skilled workers.

Employer-sponsored visas generally involve greater cost, administration and longer-term employment commitments. They are not a direct substitute for every seasonal or short-term worker currently employed through the Working Holiday Maker program.

Tourism, Hospitality and Accommodation

Tourism supports accommodation, hospitality, retail and visitor-service employment within Kondinin, Hyden and the wider Shire.

Working Holiday Makers may be employed in areas including: accommodation servicing and housekeeping; food and beverage service; kitchen assistance; cleaning; retail and visitor servicing; grounds and property maintenance; and general tourism operations (among others).

Hospitality, accommodation and tourism were not identified among the sectors the Minister said would be added to the revised skilled-visa processing priorities.

Some businesses may be able to access employer-sponsored visas or the WA DAMA. These pathways

and experience. They are unlikely to provide a practical alternative for every casual, seasonal or lowerskilled position.

Possible local effects include reduced opening hours, reduced accommodation capacity, higher recruitment costs and increased workloads for existing employees and business owners. These effects have not been established and require consultation with local businesses.

Alternative Workforce Pathways

Western Australian Designated Area Migration Agreement (DAMA)

The WA DAMA covers metropolitan and regional Western Australia. It allows eligible employers to access specified additional occupations and potential concessions where appropriately qualified Australian workers cannot be recruited.

Available visa pathways include:

Skills in Demand visa, subclass 482;

Skilled Employer Sponsored Regional visa, subclass 494; and Employer

Nomination Scheme visa, subclass 186.

Depending on the occupation and pathway, concessions may relate to age, English-language requirements, work experience, income requirements or access to permanent residence. These concessions are occupation-specific and are not automatically available to every business or applicant.

Employers must first obtain endorsement from the relevant Designated Area Representative. For the statewide WA DAMA, endorsement is administered by Migration Services WA.

The WA DAMA may assist employers with ongoing skilled vacancies, but it is unlikely to replace all short-term or seasonal labour supplied through the Working Holiday Maker program.

Pacific Australia Labour Mobility Scheme (PALM)

The PALM scheme enables eligible businesses to recruit workers from nine Pacific island countries and Timor-Leste where sufficient Australian workers are unavailable.

The scheme provides:

short-term placements of up to nine months; long-term placements of between one and four years; and access to workers for unskilled, low-skilled and semi-skilled positions.

Agriculture and selected agriculture-related food manufacturing activities are not subject to the ordinary regional postcode restrictions.

An employer must either become an approved PALM employer or engage an approved PALM labourhire company. The scheme includes substantial employment, worker-welfare, accommodation, transport and compliance obligations.

It may be suitable for some larger or coordinated workforce requirements but may not be accessible or cost-effective for every small local employer.

FINANCIAL

There is no identified direct financial impact on the Shire arising from the announced Commonwealth measures. Possible indirect effects include:

reduced local economic activity; lower visitor-service or accommodation capacity; reduced spending by temporary residents; higher recruitment costs for local businesses; and reduced business operating hours or service availability. These indirect effects cannot presently be quantified.

RISK

Agricultural workforce: Medium

The proposed ballot may reduce the availability or certainty of second and third-year Working Holiday Makers during peak agricultural periods. The degree of local exposure is unknown because the Shire does not hold confirmed data about the number of temporary migrant workers used by local agricultural businesses.

Tourism, hospitality and accommodation workforce: Medium

Kondinin and Hyden businesses may use temporary workers to respond to fluctuations in visitor demand.

Hospitality, accommodation and tourism were not identified among the sectors to be added to the announced skilled-visa processing priorities.

Local business continuity: Medium

Businesses unable to recruit sufficient workers may reduce production, accommodation capacity, operating hours or services.

Worker accommodation: High

The availability, quality and cost of worker accommodation may limit the capacity of local employers to attract Australian or migrant workers.

Migration pathways alone will not resolve workforce shortages if suitable accommodation is unavailable.

Information accuracy: High

Several measures remain policy announcements without published commencement dates, detailed instruments or transitional arrangements.

Shire communications should state that:

implementation details remain subject to change; visa eligibility is determined by the Commonwealth; the Shire does not provide migration advice; and employers and applicants should use official information or obtain advice from a registered migration agent.

POLICY

involvement would be limited to: gathering local workforce information; representing local economic interests; facilitating access to authoritative information; supporting regional economic development; and referring employers to appropriate Commonwealth and State agencies.

The Shire would not:

provide migration or visa advice; determine visa eligibility;

make representations about individual visa applications; or

guarantee access to a particular workforce pathway.

position on overall national migration levels.

STATUTORY

The proposed actions align with the Shire of Kondinin Strategic Community Plan 2022 2032 and its

workforce needs, assisting employers to access reliable information and advocating for regional workforce requirements.

Any substantial initiative arising from the consultation, such as worker accommodation or a regional workforce program, would require separate assessment and Council approval.

STRATEGIC

Theme

2. ECONOMY

Goal

2.1 Support the diverse industry across the Shire

Strategy

2.1.2 We support and advocate for the agricultural industry in our Shire

2.1.3 Coordinated communication and promotion of business, employment and lifestyle opportunities occurs

COMMENT

The proposed ballot for second and third-year Working Holiday Maker visas may affect agricultural, tourism, hospitality and accommodation employers within the Shire of Kondinin.

The actual local effect is unknown. No current published dataset provides a reliable count of temporary migrant workers employed within the Shire, and the Commonwealth had not published key commencement dates or transitional rules as at 19 September 2026.

It would therefore be premature for Council to assert that local businesses are heavily dependent on migrant workers or that the announced measures will produce a particular workforce outcome. The recommended approach is to:

1. consult local employers;
2. seek authoritative implementation details;
3. request appropriate transitional arrangements;
4. advocate for eastern Wheatbelt workforce requirements;
5. engage WALGA in regional advocacy; and
6. help employers access official information about alternative workforce pathways.

This approach allows Council to respond to a credible local economic risk while ensuring that its advocacy is based on evidence rather than assumptions.

CONSULTATION

Nil

RESOLUTION OCM/26/023

Moved: Cr Darren Pool

Seconded: Cr Toni Smeed That

Council:

1. Notes the Commonwealth migration measures announced on 17 September 2026 and their potential implications for employers within the Shire of Kondinin.
2. Notes that commencement dates, transitional arrangements and detailed operating rules for several of the announced measures, including the proposed ballot for second and third-year Working Holiday Maker visas, had not been published as at 19 September 2026.
3. and Minister for Immigration and Citizenship:
   a) seeking confirmation of the proposed commencement date and transitional arrangements for the Working Holiday Maker ballot;
   b) requesting appropriate transitional protection for people who have already completed or commenced the specified regional work; and
   c) requesting that the seasonal workforce requirements of agricultural, hospitality, accommodation and tourism employers in the eastern Wheatbelt be considered before the measures are implemented.
4. Requests that the Western Australian Local Government Association consider the workforce

implications of the announced measures for small regional local governments and communities through its advocacy program.

CARRIED 7/0

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

Against: Nil

13 BUSINESS OF AN URGENT NATURE

Nil

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil Closed doors at 5.53pm

15 MATTERS FOR WHICH MEETING MAY BE CLOSED / CONFIDENTIAL ITEMS

RECOMMENDATION

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

15.1 Award of Request for Tender 01/2026-2027 - Cleaning Services

This matter is considered to be confidential under Section 5.23 - (4)(c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information contained in a tender received by the local government for a contract to the extent that:

(i) the information is a tendered price; or

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

15.2 Appointment of Independent Consultant for CEO Annual Performance Review

This matter is considered to be confidential under Section 5.23 - (2)(b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter relating to the recruitment or employment of the CEO or a senior employee, including the following:

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

15.3 Differential General Rates: Corrective Legal and Statutory Process

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

15.4 Award of Request for Tender 02/2026-2027 - Provision of Turf Irrigation, Sportsground and Associated Grounds Maintenance Services

This matter is considered to be confidential under Section 5.23 - (4)(c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information contained in a tender received by the local government for a contract to the extent that:

(i) the information is a tendered price; or

(ii) a tendered methodology for calculating a price.

RECOMMENDATION

Resolutions.

16 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

15.1 Award of Request for Tender 01/2026-2027 - Cleaning Services

FILE NUMBER:

DATE: 12 September 2026

AUTHOR: Tory Young, Manager Planning & Assets

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer **DISCLOSURE OF INTEREST:**

Author - Nil

Authoriser - Nil

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

(4)(c) information contained in a tender received by the local government for a contract to the extent that:

(i) the information is a tendered price; or

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

RESOLUTION OCM/26/024

Moved: Cr Beverley Gangell

Seconded: Cr Darren Pool That

Council:

1. Accepts the tender submitted by We Will Do Cleaning for Separable Portion A of RFT 01/2026-2027, Cleaning Services, comprising cleaning and general horticultural maintenance services within Hyden and Karlgarin and at the nominated tourist sites, for an initial term of one year, with two separate options to extend the contract for a further one year each, based on the prices and rates contained in the tender.
2. Approves estimated expenditure of $ $224,640.00 excluding GST for Separable Portion A during the initial one-year term, based on the tendered hourly rate of $120.00 excluding GST and the estimated annual service hours specified in the Request for Tender.
3. 01/2026-2027, Cleaning Services, comprising cleaning services within the Kondinin townsite, for an initial term of one year, with two separate options to extend the contract for a further one year each, based on the prices and rates contained in the tender.

Item 15.1

4. Approves estimated expenditure of $ $177,450.00 excluding GST for Separable Portion B during the initial one-year term, based on the tendered hourly rate of $75.00 excluding GST and the estimated annual service hours specified in the Request for Tender.
5. Authorises the Chief Executive Officer to finalise and execute separate contracts with We
6. Authorises the Chief Executive Officer to exercise either or both one-year extension options under each contract, provided that:
   a)
   b) the services continue to represent value for money;
   c) the extension is expressly permitted under the original Request for Tender and resulting contract;
   d) sufficient provision is included in the relevant adopted Annual Budget;
   e) the applicable prices and rates are adjusted only in accordance with the price adjustment mechanism contained in the contract; and
   f) the extension does not materially alter the tendered scope of services.
7. Notes that the estimated annual expenditure is based on anticipated service hours and does not constitute a guaranteed payment or minimum amount of work for either contractor.
8. create an entitlement or guarantee that either contract will continue beyond its initial oneyear term.
9. Notes that expenditure under each contract is limited to services within the relevant Budget.
10. Notes that any services outside the tendered scope, including any material expansion of the facilities, cleaning services or horticultural maintenance activities covered by the contracts, will require separate approval and procurement as applicable.

CARRIED 7/0

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

Against: Nil

Item 15.1

15.2 Appointment of Independent Consultant for CEO Annual Performance Review

FILE NUMBER:

DATE: 14 September 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Yes, the Chief Executive Officer is the subject of the performance review to which this report relates.
Authoriser - Yes, the Chief Executive Officer is the subject of the performance review to which this report relates.

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

(2)(b) a matter relating to the recruitment or employment of the CEO or a senior employee, including the following:

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

RESOLUTION OCM/26/025

Moved: Cr Darren Pool Seconded:

Cr Murray James That Council:

1. Notes that Council has appointed the full Council to perform the functions of the CEO Performance Review Oversight Committee;
2. Endorses in principle the appointment of Dr Shayne Silcox of Strategic Leadership Consulting

   review period ending 18 August 2026, in accordance with the attached proposal;
3. Endorses in principle the proposed review methodology and fixed fee of $6,000 excluding GST, plus travel at the quoted rate and accommodation at a Shire facility or at cost, notes that the consultant is available through the WALGA Preferred Supplier Program and that comparable quotations indicate the proposal represents fair market value, subject to confirmation of the final timetable, deliverables and total estimated cost;
4. Agrees in principle with the Chief Executive Officer to the performance review process outlined in this report, with the review to commence as soon as practicable from midOctober 2026, subject to the final process and timetable being documented and agreed in writing;
5. Authorises the Shire President, in consultation with Dr Shayne Silcox and the Chief Executive

   associated administrative arrangements as necessary, provided that there is no material change to the endorsed methodology, scope, deliverables or cost;
6. Requires the completed performance review, proposed performance criteria for the next review period and any associated recommendations to be presented to Council for formal consideration and endorsement.

Item 15.2

CARRIED 7/0

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

Against: Nil

Item 15.2

15.3 Differential General Rates: Corrective Legal and Statutory Process

FILE NUMBER:

DATE: 16 September 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer **DISCLOSURE OF INTEREST:**

Author - Nil

Authoriser - Nil

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

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

RESOLUTION OCM/26/026

Moved: Cr Beverley Gangell

Seconded: Cr Darren Pool That

Council:

1. differential general rates and the legal and statutory process being progressed to correct those rates, including preparation for possible proceedings before the State Administrative Tribunal.
2. Notes that McLeod's Solicitors has been engaged to advise and represent the Shire and is liaising with the Department of Local Government, Industry Regulation and Safety regarding the required legal and statutory process.
3. Notes that the Department has advised that the rates imposed under Resolution OCM/26/012 cannot be corrected administratively. Proceedings before the State Administrative Tribunal have not yet commenced.
4. Notes that no rate notices have been issued and that the issue of rate notices is being withheld pending completion of the appropriate corrective legal and statutory process.
5. Notes that Resolution OCM/26/013 purported to amend the differential general rates previously imposed but does not, of itself, replace those rates unless supported by an available statutory power.
6. Notes that correcting the rates does not create a budget shortfall, as the revised rating model aligns with the amount required from general rates in the adopted budget.
7. that the Chief Executive Officer will consider the Shire's cash-flow position before committing to significant contracts while rate notices are withheld.
8. Requests that the Chief Executive Officer:
   a) continue progressing the corrective legal and statutory process, including preparing for possible proceedings before the State Administrative Tribunal; b) financial report and audit process;
   c) refer the matter, including the identified controls and risk treatments, to the Audit and Risk Committee;

Item 15.3

d)

e) retain appropriate supporting evidence for the 2026 Compliance Audit Return and future audit processes; and

f) prepare a legally reviewed holding statement and ratepayer communication for release when it is legally and operationally appropriate to do so.

9. Requests that a further confidential report be presented to Council when:

a) material legal advice is received or the corrective pathway is confirmed;

b) proceedings before the State Administrative Tribunal are commenced;

c) the replacement rates and corrected rating yield have been finalised;

d) the status of the revised Ministerial approval application has been determined; or

e) a budget for other circumstances is ready to be presented to Council.

CARRIED 7/0

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

Against: Nil

Item 15.3

15.4 Award of Request for Tender 02/2026-2027 - Provision of Turf Irrigation, Sportsground and Associated Grounds Maintenance Services

FILE NUMBER:

DATE: 17 September 2026

AUTHOR: Deb Wright, Depot Admin

AUTHORISED OFFICER: Tory Young, Manager Planning & Assets **DISCLOSURE OF INTEREST:**

Author - Nil

Authoriser - Nil

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

(4)(c) information contained in a tender received by the local government for a contract to the extent that:

(i) the information is a tendered price; or

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

RESOLUTION OCM/26/027

Moved: Cr Paul Green Seconded: Cr

Bruce Browning That Council:

1. Accepts the tender submitted by Newground Water Services Pty Ltd for RFT 02/2026-2027, Provision of Turf Irrigation, Sportsground and Associated Grounds Maintenance Services, for an initial term of one year, commencing on the date specified in the contract, with two separate options to extend the contract for a further one year each, based on the prices and rates contained in the tender.
2. Approves an estimated annual contract expenditure of $180,000.00 excluding GST and a maximum annual expenditure of up to $250,000.00 excluding GST, subject to the expenditure being for goods and services within the tendered scope and sufficient provision
3. Approves a maximum contract value of $250,000.00 excluding GST for the initial one-year term and a potential maximum contract value of $750,000.00, excluding GST if both oneyear extension options are exercised.
4. Authorises the Chief Executive Officer to finalise and execute the contract and associated documentation with NewGround Water Services Pty Ltd, in accordance with the Request for
5. Authorises the Chief Executive Officer to exercise either or both of the one-year extension

extension represents value for money; sufficient provision is included in the relevant adopted Annual Budget; annual expenditure does not exceed $250,000 excluding GST; the extension is

consistent with the original Request for Tender and contract; and the extension does not materially change the scope of the contract.

6. create an entitlement or guarantee that the contract will continue beyond the initial oneyear term.
7. Notes that any works outside the tendered scope, or any expenditure exceeding $250,000.00 excluding GST in a financial year or $750,000.00 excluding GST over the contract term, will require separate procurement or further consideration by Council, as applicable.

CARRIED 7/0

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

Against: Nil

17 CLOSE OF MEETING

17.1 DATE OF NEXT MEETING

To be held at Shire of Kondinin Chambers at 4:00 PM on 21 October 2026.

17.2 CLOSURE

The Meeting closed at 6:20pm